Crime and Criminality in British India

Anand A. Yang, Editor

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Crime and Criminality in British India

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ABBREVIATIONS

B&O	Bihar and Orissa
BJP	Bengal Judicial Proceedings
BPJP	Bombay Presidency Judicial Proceedings
COC	Court of Circuit
Collr.	Collector
Cssner.	Commissioner
Dy. Regtr.	Deputy Registrar
GGIC	Governor General in Council
GOB	Government of Bengal
GOI	Government of India
IG	Inspector-General
JD	Judicial Department
JP	Judicial Proceedings
LD	Legislative Department
Mgte.	Magistrate
MJP	Madras Judicial Proceedings
NA	Nizamat Adalat
NWP	North-Western Provinces
Secty.	Secretary
SP	Superintendent of Police

PREFACE

The study of historical crime is still at an incipient stage. A rapidly growing body of research, particularly on Europe and North America, however, has begun to appropriate it into the mainstream of social history. The criminal theme has been mobilized especially as a vehicle to pursue the rich and subtle pasts of ordinary people and ordinary lives. The subject has also lent itself to an exploration of the contextual definitions of crime, thereby providing new and probing approaches to the analysis of *mentalités*, and the nature of law, authority and power, as well as their institutional manifestations in, and effects on, society.

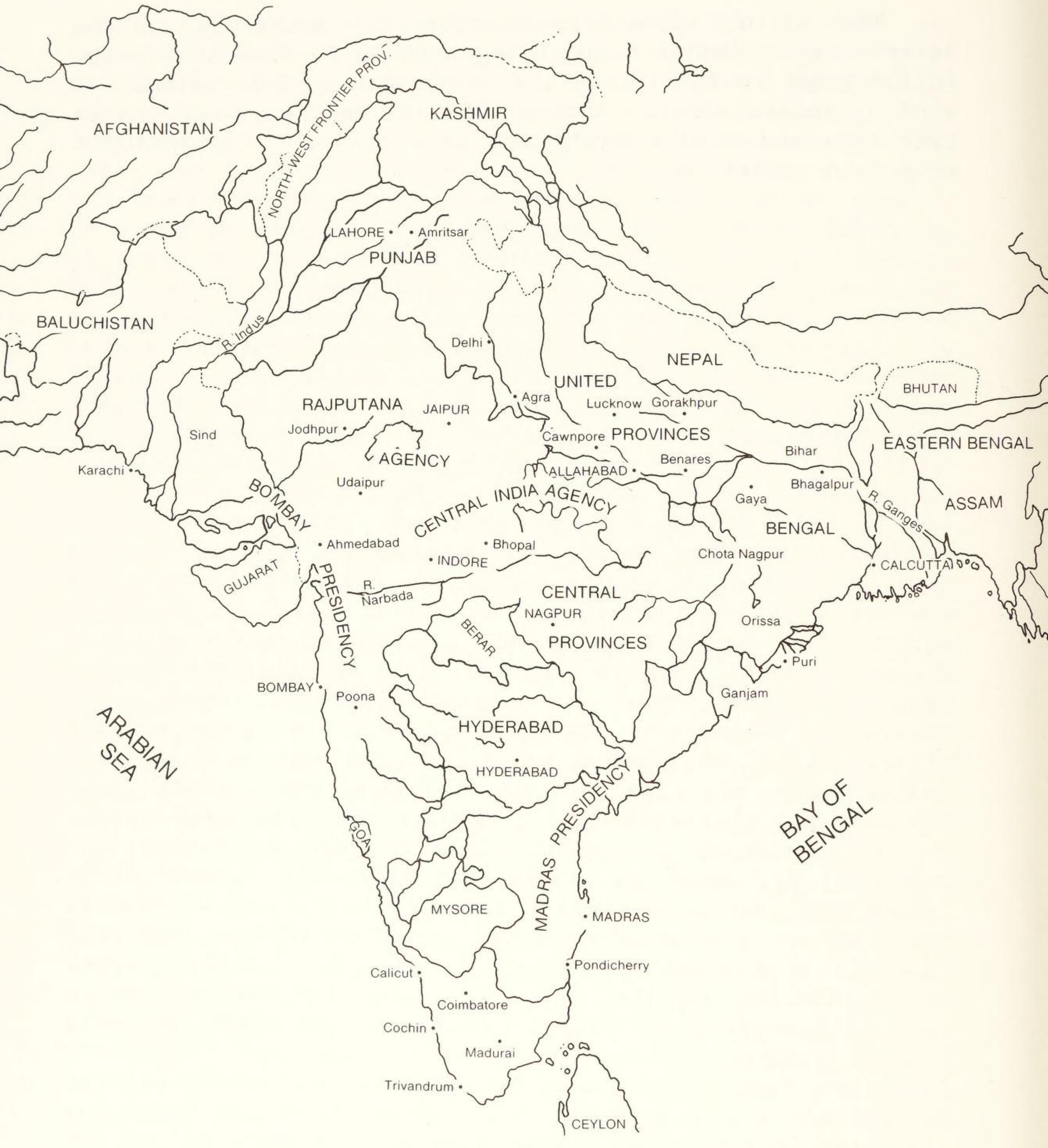
The origins of this volume stem from an attempt to bring together several colleagues working independently on various aspects of crime and criminality in British India. The forum used was the Association for Asian Studies meeting in Washington D.C. in March 1980 where four of the chapters here--by Arnold, Freitag, Gordon and Yang--were first conceived as papers for a panel. Finding our concerns organized by a common set of thematic focuses and methodological orientations, we decided to work them into an integrated collection. The interest the panel aroused among other participants as well as other scholars not present at the meeting facilitated its development into a full-fledged volume. McLane, who served as the chairman and discussant of the AAS session, sent us an essay he had been working on; so did Brandstadter who was in the audience at the panel. Robinson, whose work we were familiar with, we later recruited into our 'criminal' enterprise. Along the way, we also approached other people who were toiling away on similar topics; unfortunately, we were not able to include their papers in this volume. To them--Kari Gluski, Richard Hula, Elizabeth Manak and Pauline Rule--we wish to express our appreciation.

The introductory essay by Anand A. Yang seeks to bring the historical study of South Asian crime into a fluent dialogue with the research produced by scholars reconstructing its European and American variants. The invitation it wishes to issue is not to follow blindly the pioneering

trails that that scholarship has blazed, but to chart out for consideration the terrain that has already been mapped out and the analytical paths that lead there. Whether the work on India will produce a similar historiographical landscape remains to be seen. The chapter by John McLane locates the rise in incidence of dacoity after the Permanent Settlement of 1793 in the eroding moral basis of the agrarian order in Bengal. The next essay, by F. Bruce Robinson, explores the phenomena of banditry and rebellion in Western India in the nineteenth century and carefully identifies those bandits whose actions carried them into the realm of social banditry. A different orientation is followed by David Arnold's chapter which begins by tracing the crime trends in Madras province between 1858 and 1947 and concludes by relating those to the ideology and organization of crime-control that the British regime developed to combat (or not to combat) various forms of crime. Then Edith Brandstadter shifts attention to yet another kind of encounter between the British government and the indigenous society--one in which the alien regime was confronted with the task of "civilizing" the non-Hindu tribe of Konds who practiced human sacrifice. The next two essays focus on the institutionalization of a "criminal tribes" ideology and its effects on people thus designated. Yang's chapter analyzes the contemporary notions of crime and criminality which combined with an ideology of rule to produce the "criminal tribes" legislation intended to contain and rehabilitate "dangerous castes and tribes." His case-study draws on the experiences of the "criminal tribe" of Magahiya Doms of north Bihar. The other case study, by Stewart N. Gordon, traces the history of another "criminal" group, the Bhils, from the pre-British Mughal and Maratha periods to the nineteenth century. The final chapter by Sandria B. Freitag, raises fundamental questions about British definitions of crime in India and the infrastructure they created to control it. Her essay ties these issues together with a general discussion of official authority, power and moral influence in Indian society. By building on the findings of the earlier chapters, as well as her own empirical evidence, she concludes the volume with a coherent analysis of the efforts of the British regime to grapple with the specter of crime and criminality among their subordinated people.

Each of the essays represents an attempt to provide detailed studies at the local and regional levels. We offer the collective product not as a definitive word on the topic, but as an initial foray into the yet darkly-lit underworld of crime and criminality. We hope that others will also venture into this historical landscape.

The editor wishes to express his gratitude to the University of Utah for providing a David P. Gardner Faculty Fellow grant to facilitate the completion of this volume. A word of thanks also to Roxann Dickson, Barbara Evans, Karen Lauridsen and Ursula Hanly who have patiently retyped its many reincarnations.



INDIA, 1857-1947

INTRODUCTION

ISSUES AND THEMES IN THE STUDY OF HISTORICAL CRIME AND CRIMINALITY: PASSAGES TO THE SOCIAL HISTORY OF BRITISH INDIA

Anand A. Yang

Crime pays handsomely, at least to the social historian who explores its links with society. Indeed, the study of the undersides of historical crime and criminality offers novel and illuminating approaches to the past of a motley array of ordinary people and a wide range of their activities. The scholarly turn to a life of crime begins with the assumption, as boldy stated by Michelle Perrot, that "[t]here are no 'facts of crime' as such, only a judgmental process that institutes crimes by designating as criminal both certain acts and their perpetrators."[1] In other words, "crime is not an essential, but an existential category. Behaviors and acts achieve the status of crime, and individuals the status of criminal, as social conceptions of deviance are given to them."[2] These perspectives have informed the new scholarship on the 'underworld' of law-breakers as well as on the domain of the lawmakers, in particular, the history and forms of criminal law, law-enforcement agencies and penal systems.

This essay has a threefold purpose: it highlights the issues and themes in the historical investigation of crime and criminality; it pays special attention to the conceptual and methodological frameworks developed in the crime-related research of European and American historians who have blazed many of the pioneering approaches; and it discusses the findings of the initial probings into the 'criminal' past of British India, including those presented in this volume. Although a comprehensive survey of the literature is not attempted here, this essay does aim at relating the study of South Asian crime with the research on its cross-cultural

variants as well as with the general historiography of South Asia.

The surveillance of crime and criminality by social historians begins by rejecting the 'givens' of modern criminology. Instead of concentrating solely on the purposes of criminal law and its relation to political imperatives, the new research strategy questions the very context in which notions of crime and criminality arise. In the deft hands of E. P. Thompson and the group associated with the Centre for the Study of Social History at the University of Warwick, this line of inquiry has produced rich portraits of eighteenth-century England by concentrating on "the law, both as ideology and as actuality and...that century's definition of crime."[3] Simplistic views of crime as aberrant behavior cannnot therefore be maintained uncritically. Thus historians have felt compelled to reexamine prevailing notions of crime; as does J. A. Sharpe who suggests an "institutional" definition of "crime as illegal behaviour which, if detected and prosecuted, led to a criminal charge answerable in a court of law, and carrying certain penalties."[4]

Thus the transformation of the theme of crime into a historical theme rests on the notion that the definition of illegal behavior lies in the eyes of the beholder. From this starting point the social historian moves on to expose contemporary value judgments and their effects on standards and behavior. Otherwise, there is the "danger of becoming prisoners of the assumptions and self-image of the rulers; free labourers are seen as spontaneous and 'blind,' and important kinds of social protest become lost in the category of 'crime'..."[5] Although this approach does not imply that all forms of criminal activity can be construed as political action, nor all offenders equated with nascent or mature political activists, it has led historians--especially British historians working in the Marxist framework--to a search for distinctions between 'good' bad guys and 'bad' bad guys. In the words of one of their initial products: "There are 'good' criminals, who are premature revolutionaries or reformers, forerunners of popular movements--all kinds of rioters, smugglers, poachers, primitive rebels in industry. This appears as 'social crime.' And there then are those who commit crime without qualifications: thieves, robbers, highwaymen, forgers, arsonists and murderers."[6]

For this group of crime-watchers, the stalking of 'social' crime is designed to flush out larger historical game. As one practitioner of this approach has stated, albeit with a touch of hyperbole, " most social historians...still see

modern crime as rational behaviour, closely related to the character and will of the ruling class and the defence and priorities of the capitalist system."[7] No doubt, these concerns have guided their attention to the transitional period when preindustrial society developed into a capitalist system--the late medieval and early modern periods of British history. In the case of Thompson and his colleagues this interest has led to a convergence on the eighteenth century. Recently, David Jones has made the argument "that the character and level of crime, whether it be offences relating to property or social conduct, indicate points of tension in the new society that was born during the years 1750-1850."[8]

More so than other scholars, this group has focused heavily on elucidating the structure and functioning of class and power in society as refracted through the lens of 'social' crime and law. Their findings suggest a highly complex process, free of the kind of crass reductionism non-Marxist historians expect of them. Particularly arresting are Thompson's concluding observations about the rule of law in eighteenth-century England:

> Thus the law (we agree) may be seen instrumentally as mediating and reinforcing existent class relations and, ideologically, as offering to these a legitimation. But we must press our definitions a little further. For if we say that existent class relations were mediated by the law, this is not the same thing as saying that the law was no more than those relations translated into other terms, which masked or mystified the reality. This may, quite often, be true but it is not the whole truth. For class relations were expressed, not in any way one likes, but through the forms of law; and the law, like other institutions which from time to time can be seen as mediating (and masking) existent class relations (such as the Church or the media of communication), has its own characteristics, its own independent history and logic of evolution.[9]

Implicit in the preoccupation with 'social' crime is an acceptance of a criminogenic theory which locates the incidence of certain kinds of crime in existing social and economic conditions. The emphasis is therefore on identifying the imperatives and priorities underlying definitions of crime, whether manifested in the efforts of rulers to designate certain types of conflict as illegal or to manipulate the machinery of crime-control to serve their own ends.

Another major theoretical orientation in studying historical crime and criminality stems from the writings of the late Michel Foucault, who was Professor of History and Systems of Thought at the College de France. In *Discipline and Punish* he presents a highly original approach to the analysis of the structure of historical crime and punishment. His investigation rests on four methodological rules. First, he urges that punishment be studied "as a complex social function." Second, he does not consider "punitive methods...as consequences of legislation or as indicators of social structure, but as techniques possessing their own specificity;" in other words, he sees "punishment as a political tactic." This emphasis leads him to a third rule which seeks to blend the analysis of penal law and "human sciences" to produce what he considers the crucial subject: "the technology of power." Finally, he states: "Try to discover whether this entry of the soul on to the scene of penal justice, and with it the insertion in legal practice of a whole corpus of 'scientific' knowledge, is not the effect of a transformation of the way in which the body itself is invested by power relations."[10]

Clearly, Foucault's interests diverge considerably from the Marxist-influenced research of many British historians in detaching the study of crime and punishment from the structure and functioning of the state and its ruling elites. Instead, power is simply a strategy and not an attribute of classes or groups in society. In explaining the birth of the prisons, the novelty of his approach becomes even more apparent as he considers the transformations in the forms of punishment in the period between 1750 and 1850 from torture to incarceration not as the effect of reform and rehabilitation stemming from a more humane notion of man, but as a reflection of the rise of the repressive notion of "discipline." Thus, in the world of the prisons, and that of society as a whole, the idea of regimenting people into industrious, conforming and self-regulating individuals took hold. This kind of "supervision and punishment" aimed at controlling the mind whereas the earlier forms of punishment were directed at the body.[11]

In removing class struggle and the power of the state from the scene of crime and punishment, Foucault calls into question the basic tenets of the 'Warwick school' of British historians. But as his critics at home and abroad have observed:

> It is a persistent weakness of Foucault's work that he understands power only as a strategy of those who

exercise it, and never as a social relation, ordered equally by the strategies of those who oppose and contest it. In Foucault, power constitutes its own objects: prisons create criminals, asylums constitute the mad. In such a scheme, resistance loses its place as a constitutive element of the history of power and is reduced to the status of grit in the machine.[12]

In some respects, though, the theoretical orientations of Thompson and Foucault are not entirely unreconcilable. For both, the emphasis is on treating law, crime, punishment and other related phenomena as processes whose analyses require a consideration of wider historical forces. One attempt to bridge these two approaches in arriving at "a more adequate social theory of crime and punishment" is the work of Patricia O'Brien which insists on starting anew by "rejecting a social theory of the state as a sufficient means of understanding the development of law and order in modern society. It also means rejecting the isolation of police, prisons, and law courts as serial institutions and other social phenomena."[13] In her "search for mediations" she settles on class analysis which takes into account both inter- and intra-class relationships. She also draws on the research of Michelle Perrot which has delved into the lack of commmon cause between the working classes and the dangerous classes, as seen in the actions of the revolutionary crowds of 1848 who attacked the jails of Paris and freed an assortment of prisoners but not the ordinary criminals.[14] O'Brien also proposes to bring the family into the center-stage of the historical study of crime and punishment. Her concern is with several aspects of the family, including those shaped by generational and gender differences as well by the changing role of the family itself in history. And finally she recognizes, as do Thompson and Foucault although with differing emphases, the vitality of the ideology underlying prevailing notions of crime and punishment. But she proposes that greater care be paid to the "tensions between ideology and institutions" as ideology is "something both determining and determined," and therefore has to be placed "in the social context."[15]

O'Brien rightly finds Perrot's work appropriate to her attempts at "structural mediations" because the latter, along with that of her colleagues in the *Annales* school, employs analytical elements which both Thompson and Foucault could agree with, in the quest for a *histoire totale*. Perrot, for instance, highlights the "rules" devised by law and prison which "manufactured delinquents."[16]

Perrot and other *Annales* historians, while sharing a Foucault-like interest in *mentalités*--changes in ideas, attitudes and practices--and their relation to structures, differ from him in their interest in the distribution of power in society and its effects on groups. Moreover, the "marginals" and the "excluded" occupy a central place in their scholarship. Thus they have converged on reconstructing the pasts of prostitutes, abandoned children, galley rowers, arsonists, the insane and other "deviants."[17] In another collection of essays, the focus on such groups carries them across time, from ancient Greece to the modern United States, and over an extended area, spanning the continents of America, Asia and Europe.[18]

Still another theoretical framework has been employed by Ted Robert Gurr and others who have sought to compare crime and civil strife, defined respectively as individual illegal behavior and collective disorder, in London, Stockholm, Sydney and Calcutta in the nineteenth and early twentieth centuries. Beginning with familiar building blocks--the "institutional context" of these phenomena--they construct a markedly different explanatory edifice which is designed to overshadow the argument that crime is related to the interests of elites and elite-dominated institutions. Instead they aver that there were "no long-term developments in the policies and institutions of public order that can explain the eruption of mass protest in the last quarter-century or, more important, the long-term trend in common crime."[19]

Gurr's theoretical model is critical of the many explanations of crime (presumably this would include the approach of Thompson and Foucault) for their lack of attention to the political circumstances within which crime occurs and is recorded. His contention is that since the interests of the political elite shape legal definitions of crime and civil strife, the rise and decline in rates of illegal behavior, to an extent, represent changes in perceptions. In his formulation, changes in policies do not alone explain trends, but have to be considered together with such "indirect factors" as economic structures, short-term economic conditions, social scale and cultural fragmentation.[20]

That Gurr and his collaborators locate their investigation in urban settings reflects a bias in American writings on crime. At the outset of their account they state: "Western civilization is centered on its cities, and Western people have come to judge their collective progress and well-being not only by their material and cultural accomplishments but by the civility and security of urban life."[21]

Although their study is not preoccupied with observing the links between the incidence and character of illegal behavior and the processes of urbanization and industrialization, many American works are. Indeed, so pervasive is the belief that there is a causal connection between urbanization and concurrent industrialization on the one hand, and crime and poverty on the other, that Eric H. Monkkonen chose to test this relationship using data drawn for a middle-sized city, Columbus, Ohio, in the period between 1860 and 1885. Relying on a highly quantitative methodology, he finds that there is little or no basis for attributing crime rates or poverty rates to urban or industrial growth. Furthermore, he differentiates between criminals and paupers, noting instead that, "if anything, crime led to poverty more than poverty led to crime."[22]

Similar concerns have launched detailed inquiries into the criminal and police histories of New York, Boston, Philadelphia and a host of small cities.[23] One scholar has even suggested, by looking at the criminal statistics of nineteenth-century Massachusetts--"a reasonably representative industrial state"--that the decline in crime rate could be attributed to "industrial urbanization."[24] Fascination with this relationship has also led to its testing for other societies. In a significant essay on nineteenth-century France, Lodhi and Tilly found "no causal connection between urbanization and criminality" as their data on rates of crimes against persons, crimes against property and collective violence did not reveal a correspondence with cross-sectional information on the pace of urban growth in eighty-six departments.[25] But not all American scholars have dealt exclusively with urban crime. Even Monkkonen's analysis of Columbus looks at rural crime because that city did not develop industrially until after 1870. One tantalizing finding he emerges with is that "[p]overty was more responsible for rural crime than it was for urban crime."[26]

Not all historical scholarship on crime and criminality, however, has sought to delineate political, social and economic settings in which illegal behavior was defined, recorded, repressed and punished. Obviously, for treatments of crime as social, legal or political phenomena to be complete, historians must, as the critical introduction to a recent book on *Crime in England* notes, "ask questions about the amount of crime committed, the proportions ascribable to different kinds of offences, the people committing crimes (analysed by sex, social standing, age and ultimate fate)."[27] But even this seemingly straightforward task cannot escape the larger, and more pressing, questions about the contexts in which the records of crime were generated and organized.

The interpretations of criminal activity and the evidence of crime itself are both shaped by the ideology and structures of power and control. The validity of the data in measuring real crime as opposed to criminal behavior actually indicted or prosecuted, or 'social' versus 'ordinary' crimes, therefore poses forbidding but not insurmountable problems. Not surprisingly, most recent studies do not let the facts 'speak for themselves,' but rather examine the processes which produced them. A few have rejected the evidence completely as figments of the imagination and interest of the ruling elites, others have rightly called into question its imperfections by noting its failure to record the 'dark figures.'[28] Most scholars, however, have argued convincingly that research strategies can be devised to make the records more tractable. Douglas Hay believes that the analytical imperative should be to confront "the attitudes of those who created the legal record by choosing to prosecute some acts rather than others," and not "abandon the study of serial crime rates and seek instead to understand only 'criminal justice systems'."[29] Indeed, as he adds: "A social history of crime must explain all the evidence, including the pattern of prosecutions. The internal structure of those patterns may help us to distinguish, at particular times and in particular places, the weight that the law breaker or the law maker and enforcer had in the shaping of the criminal record."[30]

These considerations have prompted the 'Warwick school' to conduct detailed local studies. Thus *Albion's Fatal Tree* features essays on "the Tyburn Riot against the Surgeons," "Sussex Smugglers," and "Poaching and the Game Laws on Cannock Chase."[31] The reliance on "close contextual studies of particular communities, offences or courts at points in time,"[32] to use Hay's phrase, has also been favored by other researchers who have expressed doubts about the reliability of the criminal records. David Jones, for instance, while noting the "largely hidden" information about sexual crimes, infanticide and family violence, has stressed the importance of doing local studies and of using a broad range of sources critically.[33] Another scholar has suggested that the way to bridge the gap between real and reported offenses lies in a limited village study which would permit the utilization of all available data "to give the fullest portrayal of crime, but also to place the phenomenon firmly in its wider social context."[34]

Gatrell and Hadden, on the other hand, believe that the limitations of the records can only be transcended by negating the distortions produced by local peculiarities in

policing and in criminal and judicial policies. They place their trust in macro-level studies extending over a long time period,[35] a method followed in Gatrell's essay on "The Decline of Theft and Violence in Victorian and Edwardian England."[36] A similar orientation characterizes the work of Gurr and his collaborators.[37] Still others, such as Monkkonen, have sought either to sidestep or overcome the inherent problems of the source materials by dealing not with illegal behavior per se, but with the offenders themselves or with the criminal justice system.[38] Some historians, however, are not overly concerned about the 'dark figures' beyond their grasp, taking comfort instead in the assurance that unreported crimes are probably a constant multiple of recorded offenses.[39]

Another tack has been to pursue the least tainted records. According to Sellin and Wolfgang, distortions increase in proportion to the distance in time and in place between a criminal record and the original offense. Police records are, hence, the most reliable because they are free of the procedural factors which necessarily intervene as the report of a crime makes its way through the judicial system. This process, furthermore, entails time delays, whereas police records are usually produced by the investigation which occurs on the scene of, and close to the time of, the crime. Therefore, their conclusion is that police statistics "furnish the best basis for the measurement of criminality."[40]

Notwithstanding the considerable divergence in views about the possible uses and abuses of the records of crime, most researchers have developed ways to overcome their shortcomings. A few, however, continue to reject outright all criminal statistics.[41] On the whole, historians of crime have approached their sources with care and critical circumspection--a logical point of departure for social historians seeking the meanings of crime in data fraught with value judgements.[42]

Several significant themes have emerged in the historical literature on crime and related phenomena. Let us begin with one that has to be confronted before other questions can be answered. Since there are no 'facts of crime,' the "judgmental process" which constitutes acts as crimes has to be made explicit. Almost all social historians have addressed this process, regardless of their thematic interests, thus making the study of contemporary definitions of illegal behavior one of the better-developed subjects. Whether in the Marxist-influenced writings of a Thompson, or in the "post-Structuralist" discourse of a Foucault, or in

the non-Marxist scholarship of a Gurr or a Gatrell, the view of crime as a social phenomenon has directed attention at the purposes, assumptions, interests and biases underlying the efforts of--to use the language of different researchers --the ruling classes, the bourgeoisie, the political elite, the lawmakers and the enforcers to define, repress and punish crime. And the returns from this kind of critical scrutiny are amply demonstrated by Thompson's finding that law served as a complex instrument of the rulers or by Foucault's location of the birth of the prison in notions of "supervision and punishment."

One profitable approach has been to focus on prevailing ideologies, mentalities, or less systematic notions relating to crime and criminality. Especially useful in this regard have been the analyses of the rise of ideas which 'criminalized' the poor in early modern Europe. As their numbers grew in size and their presence more conspicuous, the poor became the source of much social debate.[43] In England, the "criminalization of the poor" centered on the vagrants. "By the end of Elizabeth's reign moralists, legislators and parish officers were convinced of the existence of not only of a vagrant problem, however, but also of a body of 'idle disorderly persons,' given to frequenting the alehouse, extra-marital sex, petty theft, and all other forms of disorder imaginable."[44]

In the nineteenth century the poor were 'criminalized' further by their designation as the 'dangerous classes.' The widespread acceptance of this equation in the nineteenth century, and its continuing echoes in present-day conventional wisdom, have prompted several studies. Using quantitative methodology, Monkkonen has ably demonstrated that this assumption lacked factual basis for Columbus, Ohio, between 1860 and 1885.[45] Louis Chevalier, on the other hand, has supplemented statistical information with qualitative documentation to challenge the image of the *miserables* --the laboring classes--as the dangerous classes of early nineteenth-century Paris. Although rarely emulated, his skillful analysis of literary materials, including the works of Balzac and Hugo, proves to be remarkably productive in reconstructing the bourgeois attitudes toward the criminal classes.[46]

Most research to date, however, has focused on the attitudes and assumptions of elites in society. While this emphasis stems from the social historian's concern with power and control in society and the nature of the source materials, this concentration alone can only yield a partial picture. Surely in matters criminal, too, the social histo-

rian has to reconstruct the past from the bottom up. For example, did the poor and the laboring classes in their own self-perceptions categorize themselves as dangerous classes? Chevalier's brief look at "popular opinion" as reflected in the popular press and literature convinces him that the lower classes made the same judgments about themselves as did bourgeois opinion.[47] The value of this kind of focus is also portrayed in Perrot's account of the French crowds in 1848 who stormed the prisons of Paris and freed political prisoners, prostitutes and debtors, but not the ordinary criminals.[48] Recently, David Jones has shown that Victorian attitudes toward vagrants represented a "continuing dialogue between the community and the outsider. Historically, the village community had been remarkably intolerant of newcomers. There was a sound economic reason for this, but there was also a convenient myth about the outsider as deviant and criminal."[49] On the whole, though, there is precious little in the scholarly literature about the attitudes of the poor and the lower classes--peasants or working classes--toward official notions of crime or their own ideas about illegal behavior. When, however, they have expressed their differing conceptions in dramatic action and crossed over into the realm of 'social crime,' students of crime and protest have avidly pursued their exploits.

For modern South Asia the scholarly mapping of British and Indian mentalities on crime is also underway. The first crop of studies is promising because Indian historiography has tended, to date, to deal primarily with attitudes; either those that the British carried with them into the sub-continent, or those that were shaped by their reactions to indigenous values and institutions. Moreover, the focus has been largely fixed on reconstructing the policies of the Raj.[50]

Especially encouraging, therefore, is the presence, in the first systematic forays into the subject of British Indian historical crime, of a keen awareness of the necessity to comprehend its wider context. Thus, for David Arnold, the recognition that there is "a subjective element in all definitions of crime and perceptions of criminality" provides the entry into "insights into the nature of the elite (or hegemonic) classes and the character of their relations with subordinate classes."[51] Likewise, Freitag's focus on British perceptions, in her case, of authority and crime, serves as a key to her discussion of their preoccupation with illegal collective activity. A study of perceptions, as manifested in the different meanings invested in the practice of human sacrifice, also lies at the heart of

Brandstadter's account of the difficult relations between the tribal Konds of Madras Presidency and the local British administration.[52]

An emphasis on the contextual definition of historical crime and criminality has also characterized recent attempts to sort out the various strains of thought which became incorporated into a systematic policy against the so-called criminal tribes. No doubt, these tribes have attracted scholarly attention because the British measures against them was quite conspicuous. Reflected in the special legislation created against them, the official campaign represented an undisguised and concerted effort at banishing entire groups of people into the ranks of the habitual and born criminals.[53]

A significant impetus has also come from the writings of Ranajit Guha and others associated with "Subaltern Studies" who have concentrated on delineating the forms and expressions of consciousness of protesting social classes. In pursuit of the 'good' and not the 'bad' criminals in order to track down the elusive and systemic acts of social protest, they have crossed over into the often uncharted and ambiguous frontiers dividing 'real' and social crime. What analytical rewards they expect for nabbing their 'man' is evident from the following paragraphs:

> 'Turning things upside down' is a necessary but by no means sufficient condition of the violence of peasant uprisings. In all feudal types of societies there have always been individuals and small groups who were driven by hunger and humiliation to commit acts of violence in such a way as to amount to turning things upside down. These acts were almost invariably designated as 'crime' by the rulers of such societies...
>
> An inversive function...is common to peasant insurgency and certain (though not all) classes of crime. But these two types of violence are clearly distinguished in one important respect. Unlike crime peasant rebellions are necessarily and invariably public and communal events. To generalize, the criminal may be said to stand in the same relation to the insurgent as does what is conspiratorial (or secretive) to what is public (or open), or what is individualistic (or small-group) to what is communal (or mass) in character. In other words, crime and insurgency derive from two very different codes of violence.[54]

For these beginnings on the "judgmental process" of the Raj to blossom further, we need to continue to isolate the contemporary definitions of illegal behavior that were ensnared in the 'facts of crime.' As the examination of the ideological origins of the Criminal Tribes Act of 1871 and its subsequent revisions suggests, one source shaping its language and intent was contemporary notions of criminality. Moreover, British definitions of crime in India were related to their larger ideas about the structure and functioning of Indian society and culture as well as to the ideology of rule which justified British domination and Indian subjection.[55]

A second major theme that has figured significantly in the writings on crime as a social phenomenon is attitudes toward the law and the nature of the relationship between law and authority. Much of the scholarship on this subject has emanated from historians of England, who, perhaps, have felt compelled to deal with that society's tradition of 'the rule of the law.' Hay's essay in *Albion's Fatal Tree* and Thompson's *Whigs and Hunters* have supplied the leads in uncovering the role of the law as a vehicle of "class oppression," which is nonetheless endowed with enough credibility to be accepted widely as a legitimate means of exercising authority.[56]

These lines of inquiry have received additional coverage in *An Ungovernable People,* a collection of essays on the English law in the seventeenth and eighteenth centuries. Like the work of Hay and Thompson, to which it is intellectually indebted, this volume charts a complex relationship between the legal system, authority and the power of the state. And its conclusions, like those of its progenitors, suggest the "extraordinary complexity" of the law.

> On the one hand, the courts were a powerful regulatory mechanism, dealing not with crime but numerous aspects of social and economic life. It is no exaggeration to argue that the long arm of the law was the strongest limb of the body politic. But, on the other hand law enforcement varied in its intensity and efficiency: some areas were virtually 'lawless zones;' the practice of local courts sometimes deviated considerably from the letter of the law as enacted or interpreted in Westminister; and most legal officials were rank amateurs who were as much concerned with the preservation of local harmony as they were with the (often divisive) business of litigation. In sum,

> there were considerable constraints on the exercise of authority through the law.[57]

In both *Albion's Fatal Tree* and *An Ungovernable People* the idiosyncratic nature of the rule of the law is highlighted by case studies. These accounts also document the disjunction between the legal intentions and statutes of those in authority and popular ideas of legality. Such tensions surfaced in the conflict over the use of game and common land in Cannock Chase;[58] in the different conceptions of order between the magistracy and villagers in the seventeenth century; in the clash of attitudes expressed in the grain riots in the Essex port of Maldon; in the "unruliness" of the Kingswood colliers; in the Wilkite "bourgeois" notions of law; in the activities of the Yorkshire counterfeiters; and in the campaign of incarcerated debtors against the debt law.[59] These clashes, as Brewer and Styles note, suggest "that the law of patrician society was not the justice of plebeian culture." But they also show that disputes centered "on specific injustices and abuses" and "were rarely generalized into a critique of authority or the law. On the contrary, magistrates and laws were usually judged according to their degree of conformity to the 'rule of the law.' Popular grievances...were more likely to be expressed in terms of authority's dereliction of duty than as an explicit challenge to authority itself."[60]

Another issue which epitomized the gulf between the formal law of the state and popular attitudes was witchcraft. As the history of European campaigns against witches shows, prosecutions for witchcraft varied over time and were related to the dynamics of local societies.[61]

The relation between law and authority is also the focus of an impressive book by Hindus, although his concern is to show how that relationship was manifested in the workings of the criminal justice systems in the urbanized state of Massachusetts and the rural, slave-based agricultural setting of South Carolina. The purpose of the criminal law in both areas was to control and curb the dangerous elements in society. The offenders and their offenses were, however, quite different. Officials in Massachusetts were preoccupied with "liquor-related offenses," vice and vagrancy, in other words, with the crimes of the "working population of the state." In South Carolina, they equated slaves with the dangerous classes, and met their "assaults, riots and brawls" with strong legal sanctions. Noticeably absent though in the latter state's concentration on prosecuting violence was duelling, a phenomenon which embodied the white "notion of honor."[62]

The relation between law and authority over extended periods of time and in macro-settings has also received coverage. Gurr traces the evolution of criminal law in four cities located in different countries,[63] while Lenman and Parker survey the significant shifts in the theory and practice of criminal law in western Europe as it moved from "the private to the public domain"--a transition completed by the growth of state power.[64] Others have performed valuable service by looking at different aspects of law enforcement and the judicial system. What is striking about these studies is that they seek to penetrate the formal machinery and language of the legal and judicial systems to show how these systems actually functioned in specific settings.[65]

How 'the rule of the law' operated in British India remains a wide-open field of study. Most investigations have been in the form of straightforward legal histories tracing the growth of the formal legal framework of the colonial state.[66] Another set of studies, with a research design closer to the aims and purposes of social history, has been about the legal system the Raj developed in matters relating to property rights and personal law. The tenor of many of these discussions has been shaped by the pioneering work of Bernard S. Cohn who has argued that British legal policies rested on facile, and often erroneous, assumptions about Indian society and, as a result, "had effects which were unanticipated."[67] These he has characterized, by drawing on a cue from the late nineteenth-century writings of Sir Henry Maine, as ushering in the transition "From Indian Status to British Contract."[68]

No doubt, as D. A. Washbrook has asserted in a recent essay challenging Cohn's findings about Anglo-Indian law, the focus on the role of the law in British Indian history reflects its "differing historical and historiographical contexts."[69] But he is perhaps too hasty in pronouncing the products of European social history, such as those stemming from Thompson's *Whigs and Hunters,* unfit for South Asian consumption. Indeed, his essay itself stands as an example of the possibilities of cross-fertilization, as his findings are not without familiar echoes in their assertions about the relation between law and authority. At one point in describing Anglo-Indian law he states: "Its main purpose, so far from protecting the private rights of subjects, may be better seen as providing a range of secondary services for the Company, both as 'state' and a 'shield' for European business interests, which helped to translate political power into money."[70] Though not quite in the vocabulary of a Thompson, this statement of Washbrook nonetheless identifies law as an instrument of state power.

The literature on law in South Asia is deficient largely because it has not focused on authority and the criminal law and their relation to the indigenous society. Freitag's essay on the "exclusive" conception of British authority in India represents a provocative first step toward filling this gap. British authority, she avers, fused together the idea of "moral influence" with the concept of the "power of the state." The product was a state acutely vigilant against collective criminal actions which it regarded as a direct threat to its authority but far less concerned with individual crime. These varying intentions were written into the Criminal Code and the Code of Criminal Procedure promulgated in the second half of the nineteenth century.[71]

The contradictions between British assumptions and Indian realities, and the imperatives of rulers and the interests of the ruled also shaped other experiences of the Raj. Some of these have been documented in the accounts of the official attempts to grapple with Bengali bandits, the British-Kond encounter, the 'making' of the criminal tribes and the events that precipitated the massacre at Jallianwala Bagh.[72] These are tantalizing bits, but they leave us suspended in ignorance about vast areas in the thematic territory of the law. It would be useful to take the path opened by European and American studies and turn to the significant issues of law as ideology, of the attitudes of different groups in society toward 'the rule of the law,' of the idiosyncratic ways in which law was enforced at the local level and of the strategems and tactics employed by those who had recourse to the legal process. Nor should South Asianists resist a desire to know more about the legal context in which collective action, such as that of the Nationalist Movement in the early twentieth century,[73] was singled out for sanctions. Future research needs, in a word, to address in South Asian history the fundamental questions about state power, authority and their interactions with society as refracted through the legal process.

The social historian's concern with crime and law has also centered on systems of punishment. Some scholars, such as Hindus, have looked at them as part of the entire criminal justice system, arguing that "[i]t would be pointless ...to study prisons without knowing something about criminal statutes, capital punishment, sentencing discretion, police, and the courts."[74] His conclusions about the institutional forms that the penal policies of Massachusetts and South Carolina produced in response to local circumstances is summed up by the title of his book: *Prison and Plantation*.

In his chapter on the Massachusetts State Prison, Hindus acknowledges he is influenced by the approach of David J. Rothman who has set the tone for most American discussions of the penitentiary and other 'social welfare' institutions. For Rothman, the birth of the prison formed part of a larger trend in the early nineteenth century when policy-makers "discovered" the asylum--prisons, insane asylums, reformatories, orphanages and other institutions--as instruments for arresting the breakdown of "stability and cohesion" resulting from the democratization of society. The "discovery of the asylum" also represented the belief that deviants were not beyond redemption: their return to productive lives could be attained through moral training and discipline. In the late nineteenth century, however, these ideas of moral reform gave way, under the impact of disorder, to the use of asylums as custodial institutions.[75] Christopher Lasch, among others, has argued against this interpretation, indicating instead that the asylum's transformation was written into its founding charter as it was designed to be a "total institution" from the very outset. He also emphasizes the "antagonistic" character of moral reform.[76] Although differing in its findings, the work by Rothman, Lasch and others has been instrumental in directing attention to the rise and development of prisons and other social welfare institutions.[77]

While much of the American literature on prisons is patterned after the blueprint laid out by Rothman and Lasch, the pursuit of alternative research strategies is in the offing. Peter L. Tyor and Jamil S. Zainaldin have proposed a methodological and conceptual framework which turns away "from social disorder, or demographic change, or motives of the reformers" to an "internal and external" perspective. The shift in concentration is to the actual operations of the institutions: their finances, their founding and evolution (especially timing of these developments), their geographical location and their clientele. Tyor and Zainaldin also call for case studies relying on an extended time frame and for comparative studies between different kinds of institutions. But what stands out in their proposals for future research is the need to do "inner history" because only a few accounts of systems of punishment in American or European history exist, and even fewer regarding their workings and their 'fit' in the larger scheme of criminal justice.[78]

American scholarship on prisons has largely ignored the influential ideas of Foucault. The lack of dialogue is lamentable because his approach to the study of prisons is

unique. The originality of his interpretation is epitomized in the directions his arguments take, in contrast to those of Rothman, although both recognize the spectacle of 'cruel and unusual' public punishment which characterized the pre-incarceration phase of punishment systems. To Foucault, the subsequent substitution of incarceration for torture as punishment appears as the reflection of a harsher conception of man and of social discipline and not just as a notion of more humane treatment. Rothman, on the other hand, sees only the new moral revulsion over this kind of spectacle which, he believes, prompted the building of penitentiaries. Thus "the discovery of the asylum" was a triumph of the 'conscience'; and "the birth of the prison" simply a shift from a system of punishment which attacked the body to one that sought to discipline the mind. The two analyses are also at odds because Rothman tends to dismiss the influences of Europe on the American model, whereas Foucault views the spread of the penitentiary system and its grounding in ideas of supervision and discipline as transcending national boundaries and extending to Europe as well as to the United States.[79]

Both Rothman and Foucault have exerted an enormous influence on historical studies of punishment. Their work has also served as a primer for investigations linking prisons to class interests and economic systems.[80] And, as noted earlier, French scholars have drawn on Foucault, but also criticized him for having painted a vast canvas of interlocking structures of such institutions as prisons, factories and schools, all having in common their glue of discipline. They have also sought answers to the question relating to power which he does not resolve, namely, who designed Foucault's society of archipelagos? Nor have the people who inhabited these institutions been investigated.[81]

No systematic studies exist of the ideas and policies shaping the brick and mortar of penal institutions of British India, nor are there any which look behind prison walls. A few works convey hints, but these remain submerged in their authors' larger and different thematic interests.[82] But to read Rothman and Foucault, and their critics and supporters, is to realize the insights that await the scholar who unlocks the door to South Asia's penal institutions. In this undertaking, Rothman's caveat will remain a useful key: "Institutions, whether social, political, or economic, cannot be understood apart from the society in which they flourished. The sturdy walls of the asylum were intended to isolate the inmates, not the historian."[83] For historians of the Raj, this admonition assumes an additional meaning as they recognize their intellectual seclusion.

A fourth important focus of the social historian of crime is the institution of the police. Along with a consideration of the other pillars of the criminal justice system, the study of the police is a way of seeing the mechanisms by which authority and control were exercised and maintained historically. Their ties to systems of punishment, and their development in nineteenth-century Britain, as described by Victor Bailey, show the benefits to be attained.

> The alterations in the modes of policing and punishment were closely linked. They derived from the conviction that an effective system of criminal justice required both a mitigation in the severity of penalties and a reformed and efficient police. They were also mutually reinforcing. Enthusiasm for police reform was charged by the belief that amelioration of the criminal law would be more acceptable if fewer offenders were to avoid capture. More significantly, this massive reorganisation of criminal justice, affecting the spheres of detection, prosecution and punishment, led ultimately to a decided increase in the scale and scope of legal authority. No longer was the enforcement of the criminal law made to rely upon the private initiative of thief-takers, voluntary associations for self-protection and contractor gaolers. Instead, the responsibility was progressively delegated to the agents of a professional police and prison system. In the realm of criminal justice, *laissez-faire* retreated before the imposition of a widespread apparatus of law and order.[84]

The investigation of the police as an institution which is the product of social and political processes therefore leads to the analysis of the wider contexts of crime and crime-control. Initial works on the British police, for instance, have produced a variety of insights on their roles in society, summed up in their characterizations as "'social police'," "domestic missionary," "Blue Locusts" and "guardians of the peace."[85] These different images reflect their different roles as they were expected not only to maintain political order, but also to curb vice and suppress 'crime.'

Another important emphasis that emerges from the new literature on the police is the guiding hand of the state in its formation. In the words of a book on *Police Forces in History:* "The police and its functions are always determined by the nature of the state which they serve and the theory upon which such a state is based."[86]

One aspect of the police which remains little studied is their relations with different groups in society. Again, the studies of England are instructive that have attempted to trace the development of the bobby from a widely despised figure to one who became an accepted member of the local community. In an essay based on the experiences of the provincial town of Portsmouth, John Field has traced this evolution in relation to the changing conception of the policeman in the eyes of local authorities, the community and in his own self-perceptions. Field's findings also suggest a lack of unified elite control over the local force.[87]

On the whole, though, the initial scholarship on the police of England and the United States has little to say about the relationship between the police and their communities. But some information on the subject has filtered through a number of works which have sought to correlate the nature and forms of policing with the character and incidence of crime.[88]

The scholarly writings on the police in British India continue, for the most part, to take the form of institutional histories that are long on information about the establishment and development of the colonial force from an administrative perspective and short on analysis done in a conceptual framework.[89] Nevertheless, a few studies have attempted to see the role of the police within the ambit of state power and authority. Inevitably, these have concluded that the limits of police control were set by the networks of local control. As Arnold shows for Madras and Yang for Bihar, the structure and functioning of the police force were defined by the colonial system of rule, one that relied heavily on local allies who were also the local controllers. Moreover, the growth of the police was continually handicapped by the financial considerations of Imperial rule. Consequently, their numbers and reach were limited.[90] Nor did the village 'police' comprising the *talaiyaris* in the south and the *chaukidars* in the north ever become firmly attached to the official system of police administration.[91] "Thus," as the study of Madras reveals, "the gulf between the colonial police and the village remained vast, unbridged by any effective police institution."[92]

This attenuated presence meant that the rise of the Nationalist Movement in the early twentieth century and its tactics of mass agitation imposed a severe burden. One way to alleviate this was for the state to enlarge its special forces, such as the armed police, to maintain political order--a process well documented for south India. A second strategy was to abandon virtually the monitoring and cur-

tailment of 'minor' kinds of crime in favor of concentrating on preserving the authority of the Raj.[93]

While the idiosyncratic concerns of Indian historiography have obviously dictated the types of questions asked so far about the role of the police, they have not detracted from focusing on the contexts in which they operated. On the contrary, answers have been sought about the functioning of the police as an instrument of the Raj, especially in matters relating to authority, and about the constraints of the local systems of power on their effectiveness. The findings remain preliminary and much more research needs to be done on these subjects. Studies are also needed on the relationship between the police and people, a connection (or lack thereof) which has been evident in a number of tragic incidents involving the police in present-day India. Enough progress has been made, however, in these initial investigations to characterize the emerging trend in studies of the police in South Asia as also advancing "From Cop History to Social History."[94]

A fifth and final theme that will repay investigation is the idea this essay began with: If there are no ready-made facts of crime, are there then offenses and offenders that more appropriately belong in the category of 'social crime'?

Perhaps the 'criminals' who have been easiest to appropriate for social history are the people who constituted the "crowds in history." No doubt, because they comprised 'disorderly mobs' and articulated their sentiments through collective action and violence, their activities did not go unnoticed in the official records. Furthermore, they are an attractive subject because their actions were generally bold and dramatic. The work of George Rude has been especially instructive in directing attention to the faces in the crowd, its aims and targets and in highlighting its social purpose. Thus he has identified aspects of protest in rural and provincial riots, urban riots, industrial disturbances and a variety of other forms of crowd behavior in England and France in the eighteenth and nineteenth centuries.[95] Other researchers have similarly uncovered the protest aspects of crowd activity in a diversity of settings and circumstances, ranging from the American Revolution to the Russian Revolution.[96]

Two recent essays on crowds in north India in the late nineteenth century show that their criminal actions stemmed from religious and social notions of community which were heightened by the rise of the cow protection movement--an issue which separated Hindus and Muslims.[97] Attempts have

also been made to identify the faces, issues and sources of conflict in the gathering of 'criminal' crowds in the rural areas of Bihar and the urban space of Bombay city.[98]

Although the orientation of crowd studies continues to follow Rude's preoccupation with social protest, some scholars have insisted on enlarging the scope of crowd history. New questions that should be asked are:

> why it is that particular social movements, communities or societies become involved in collective public behaviour to the extent that they do, and what function and meaning such behaviour in its different forms has for the movement, community or society involved. This enterprise is likely to shed further light on the origins, meaning and function of territorial and community identity from the level of street and neighbourhood to that of nation, thereby contributing to an understanding of social order as well as social protest.[99]

Clearly, "crowd history" and the few applications of it to the Indian past bring into sharp relief many otherwise inaccessible features of local society. Indeed, in the historical reconstruction of criminal gestures, slogans and violence of illegal assemblies, as well as of their organization and composition, ordinary people are captured in their brief flings with extraordinary events. Viewed from such angles, studies of the Mutiny/Rebellion of 1857 or the Indian Nationalist Movement, for instance, can bring us into contact with the rank-and-file who have, to date, eluded the net of the conventional historian.

While the crowd in history has attracted a large scholarly following, other groups of 'criminals' whose ties to popular movements were less readily discernible are only now beginning to be analyzed. In part, the neglect stems from the fact that they were involved in crimes of relative anonymity and often appeared not to have overtly expressed protest in their actions. But with these ordinary offenders too, there is much more than meets the eye. As a well-known account of eighteenth-century English rioters, smugglers, poachers and "primitive rebels" in industry shows, they were "premature revolutionaries or reformers, forerunners of popular movements."[100] Another study has identified arson as a major form of rural protest in early nineteenth-century England.[101]

First in his book on *Primitive Rebels* and subsequently in his analysis of *Bandits*, E. J. Hobsbawm has also brought

"social bandits" to the attention of social historians. Their claim to 'respectability' is, in Hobsbawm's formulation, that "they are peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported."[102]

Sightings of the first category of 'good' bad guys in the historical landscape of British India have been few and far between. Yet the kind of 'rural warfare' they engaged in, according to Thompson and Hay, may not be entirely different from the perennial raiding and marauding of such eighteenth-century groups as the *Sannyasis* and *Fakirs*. But whether such raiding and marauding groups fit this bill well remains to be proven. Also, not much is known about the careers of crime that many groups adopted in the next century when their occupations were made redundant by the new conditions of the Raj.[103]

Although banditry was an ubiquitous phenomenon in many parts of South Asia, little firm evidence has been mobilized to confirm the presence or absence of social banditry. F. Bruce Robinson is perhaps the most convinced, and convincing, about the existence of social bandits whose heroic activities on behalf of the people he documents for nineteenth-century western India. McLane, however, suspects there may have been some in nineteenth-century Bengal, but does not uncover any direct leads to them in his materials.[104]

Many other groups of criminals in Indian history are beginning to be studied: 'criminal tribes,' dacoits and thugs. While it is not likely that their trail will always lead to the category of 'social crime,' it is already apparent that the investigation of their pasts, when viewed through the lens of social history, provides analytical glimpses into the larger systems of which they were only a part.[105] Another category of people whose involvement with illegal behavior has almost completely escaped scholarly attention is women. This glaring omission is particularly conspicuous in a field which aims at reconstructing the pasts of ordinary people and ordinary lives through their links with 'crime.'[106] But the rise of "Subaltern Studies" has dramatically increased the number of workers interested in mining the 'social' layers of crime. Indeed, the returns from this kind of digging are exemplified by Guha's brilliant book on the *Elementary Aspects of Peasant Insurgency in Colonial India* which attempts to "explain the logic of a

consciousness which informed some historic actions aimed at turning the rural world upside down."[107]

In relation to the work completed for Europe and the United States, the scholarship on historical crime and criminality in South Asia is in a state of infancy. For instance, other than one or two preliminary surveys, Indian historians know almost nothing about the overall patterns of crime--its incidence and forms--at the national, regional, or local, level. Many significant issues and themes, moreover, remain unexplored. But as this essay shows, a sophisticated body of theoretical, conceptual and methodological frameworks exist to provide moorings for new scholarly outings. Nor do South Asianists stand to lose if they seek that anchorage as long as they are willing to cast off in whatever directions their data take them. Nor should it be surprising to discover that, regardless of cultural settings, social historians of crime frequently end up converging on the same thematic streams because they share a fundamental concern in reconstructing the *histoire totale* of a society. Thus researchers cannot avoid looking at ideologies and mentalities relating to crime and criminality, at law both as ideology and as an instrument of control, at penal and other 'social welfare' institutions, at the police, and at 'social' crime and its many subtle and overt links to protest.

But if commonalities abound, so do some striking contrasts. As this volume reveals, the historical canvas on which we have sketched in our 'criminal' concerns is dominated by the presence of that colonial state that was the British Raj. In this sense, the themes of our investigations fit in well with the persistent and nagging interest of much of South Asian historiography in delineating the nature and functioning of British rule, and its effects on indigenous society. But perhaps in especially penetrating ways, the study of the 'judgmental process' shaping definitions of crime illumines better the inner workings of the colonial system, whether perceived from the angle of the clash of values and ideologies between rulers and ruled or of the machinery of control developed to subordinate people. On the other hand, the scholarly encounter with crime can also facilitate entry into the hitherto largely anonymous world of peasants and other ordinary people whose activities have often been construed as illegal by the state. For to investigate the 'careers of crime' that Bengali or Western Indian bandits pursued, or the 'illegal' practices that the Konds, Magahiya Doms and Bhils resorted to, is to seek the lives of ordinary people that usually elude the historian,

dependent as he or she is on conventional methods and sources. Uncovering the largely invisible experiences of ordinary people also furnishes clues to a sharper understanding of the ideology and organization on which the Raj was built, an edifice whose design and foundations are further explicated by considerations of its apparatus of crime-control. Thus a well-rounded picture of the historical landscape of colonial South Asia is sought here by refracting the fundamental concerns of social history through the lens of historical crime and criminality. The results, we hope, are evident in this volume: scholarly crime-watching pays rich analytical dividends.

CHAPTER ONE

BENGALI BANDITS, POLICE AND LANDLORDS

AFTER THE PERMANENT SETTLEMENT

John R. McLane

The typical dacoity in nineteenth century Bengal was committed on a dark night when the moon was at most a sliver. The members of a dacoit gang, who were usually recruited from a variety of castes and villages, slipped out of their huts and assembled in a prearranged, uninhabited spot. The *sirdar* (leader) conducted Kali *puja* (worship), gave each man a sip or a dab of liquor on the forehead from the same cup, and asked the men if they were all of one mind. After each man was informed about his assigned tasks and share of the loot, they travelled in small groups to the village to be robbed. En route they were alert to omens, such as an owl hooting, a jackal crossing their path, or a lizard making the "tik-tiki" noise. Having reassembled near the village and finding the omens satisfactory, they cut bamboos to use as spears and *lathis* (clubs), lit their torches, and attacked the house or houses they had identified, often with the help of a disloyal house servant or village watchman, as likely to contain valuables. Those assigned as guards kept the angry villagers at bay while the others ransacked the premises for money, jewelry, metal pots and other loot. Then the gang members fled to a designated meeting-place where they were stripped and searched for hidden goods. Each received his promised share and returned to his village. Men suspected of being dacoits often gave the village watchman or landlord's agent a present to assure his silence about their absence on that night. Almost all the dacoits would resume their ordinary lives, as, typically, field laborers, cowherds, palanquin bearers, village watchmen, or *lathials* (men employed to use *lathis* to collect their master's rents or to fight with neighbors for possession of disputed land or crops). They were usually not hereditary tenants and therefore tended not to be bound tightly

to a single village community or parcel of land. If they came under suspicion, they could flee to another village.

Thus the typical Bengali bandit gang of the early nineteenth century was made up of lowland villagers who were not *janam chuars* (born robbers) or members of what administrators in other parts of India came to call "criminal tribes and castes."[1] The object of this essay is to describe and explain the rise of banditry by lowland villagers in the years following the Permanent Settlement of 1793. That growth occurred in a period of increasing governmental centralization rather than during an erosion of the state's power. Banditry had been common in the middle decades of the eighteenth century, during the decline of the Mughal empire and the early transition to British rule. But the two types of banditry that were common in eighteenth-century Bengal all but disappeared in the two decades following the Permanent Settlement. One type was committed by the so-called *chuar* gang. *Chuar* or robber was a label used by both Bengalis and Englishmen for the partially tribal, partially Hinduized peoples who inhabited the hills on the borders of Bengal and who responded to the advance of the East India Company's administrative frontier, and in some cases, the movement of lowland Bengalis into their areas, by raiding the villages on the plains. The other kind were the *sannyasi* (Hindu ascetic) and *fakir* (Muslim ascetic) bands, composed mostly of non-Bengalis, who devastated parts of northern Bengal in the early decades of English rule. For the purposes of this essay, the point of interest to note about the *chuar* and *sannyasi* and *fakir* gangs is that each type contained members who looted with a strong sense of grievance. *Chuars* believed their rajas had been unjustly dispossessed or taxed, and some *sannyasis* and *fakirs* believed settled villagers were holding back religious donations and alms which they considered themselves entitled to collect.[2]

The growth of gang robbery by lowland villagers at the turn of the century was undoubtedly a consequence of the Cornwallis administrative reforms of the early 1790s rather than of changes in the economic production patterns. But these reforms were so complex and affected so many different interests that the problem of discovering the precise causes of increased banditry is a formidable one. The Cornwallis reforms altered land revenue obligations and tenant-landlord relations as well as the organization of the police and judicial systems. Changes in each of these areas contributed to the rise in banditry, it seems, but the precise relationship between these factors is obscure.

Under the land revenue settlement of 1793 the forfeiture and public auction of land in arrears led, between

1794 and 1804, to the real transfer to new owners of land paying over forty percent of the state's land revenue demand.[3] The loss of land was significantly greater among the largest zamindars (landholders) than among the small and medium-sized ones, and almost all of the largest zamindars lived in west Bengal. In addition, the high, inflexible land revenue demand cut into landlord incomes and forced both zamindars and their major tenants to be more exacting in collecting from the subordinate tenantry. And the reforms diminished the ability of zamindars to grant land rent-free or at beneficial rates to relatives, favorites, Brahmins and other people of local influence. In other words, the 1793 settlement was a major step in substituting the state's regular, impersonal authority for the feudal-type discretionary and paternal authority of the local magnates.

Another Cornwallis reform (Regulation XXII of 1793) stripped the zamindars of their police powers and made the Company responsible for law and order. It created new police jurisdictions *(thanas)* of twenty mile squares under the command of *daroghas* (local heads of police, called *thanadars* elsewhere in India), and placed each *darogha* under the authority of the English district magistrate. A typical *darogha* had four *jamadars* (head constables) and twenty-odd armed policemen for keeping order and combating crime in a population of approximately one hundred thousand people scattered over four hundred square miles. Each *darogha* was also given theoretical authority over the village watchmen *(chaukidars)*. But in assigning to the *darogha* command over the village watch, the Company continued an anomaly of Mughal police arrangements.

For village watchmen were usually appointed by the zamindars, not by the *daroghas,* and most were paid with *chakeran* (revenue-free service lands) that were controlled in practice by local landholders. The *chaukidars* continued to serve the landholders as rent collectors, coolies, messengers and agricultural laborers. The average village had about three *chaukidars*. Their income was pitifully small.[4] Subject to two masters, and often without an adequate income for subsistence, the village *chaukidars* were notorious for their failure to protect their villages from bandits or to inform the *daroghas* about the activities or presence of dacoits.

The traditional village watchmen came under two kinds of pressure beginning in the 1790s. First, the Company decided that the amount of service land kept off the revenue rolls was in excess of the need, and it therefore resumed

some revenue-free lands and dismissed from the police the men who had held them.[5] The second form of pressure came from landholders who illegally ejected village watchmen from their revenue-free lands in order to increase their rent rolls.[6] This process continued well into the nineteenth century. The combination of government resumptions and landholder usurpations of service lands was believed to have generated large numbers of recruits for bandit gangs.

Thus the Cornwallis reforms represented a decisive interference with the normative expectations of village watchmen, landlords, major tenure-holders and other groups. Village watchmen, palanquin-bearers, etc., had been accustomed to receiving an economic subsistence from zamindars and tenure-holders. And landlords and tenure-holders had enjoyed a degree of flexibility in the government's land revenue collection practices that often had allowed them to lead morally and ritually correct lives: exercising indulgence to loyal dependents, especially in times of drought or flood, and favoring those estate servants and ritual specialists on whom their efficient rent collections, honor and spiritual progress rested. The state's ability to ensure order depended upon both low and high status groups viewing state policy as legitimate, as supportive of the flexible reciprocity of the ideal rural social order.[7]

THE FREQUENCY AND CHARACTER OF BANDITRY

In 1797 the Calcutta Court of Circuit, whose judges toured the districts of west Bengal once very six months to decide cases involving serious crimes, reported to Sir John Shore, the Governor General, that they believed a "new Species" of dacoity was growing. In place of the frequent raids by gangs of *sannyasi* and *chuars,* the "new" dacoits were committed by lowland villagers acting in concert with zamindars and local officials.[8] In fact, what the Court of Circuit described was not new but only more common. By the early 1800s, most English officials connected with criminal justice seemed to share the impression that gang robbery had increased significantly in the interior of Bengal since 1793. In some west Bengal districts it was thought to be almost a nightly occurrence for villagers to be awakened by the blood-curdling shouts of dacoits and the flickering of their torches. While it is conceivable that Company officials merely became more knowledgeable about crime after taking over the administration of criminal justice from the Nawab in 1790, no official seems to have suggested that.

Rather most assumed that the new police arrangements, the rapid transfer of land through the auction sales, the abolition of the punishment of mutilation, the new strict rules of evidence or in other words, a change stemming from the Cornwallis reforms, had led to an increase in gang robbery. The authors of the *Fifth Report* (1812) took it for granted that dacoity spread in Bengal following the Permanent Settlement.[9]

There is no way of making even a meaningful guess about how many gang robberies occurred in Bengal in the early nineteenth century. At their height (1803-1807), the judicial authorities reported an average of 1,481 dacoities per year, with the greatest number in west Bengal. It is certain that a much greater number were never reported. Robberies of travellers on rivers and along the pilgrimage routes were the least likely to be reported.[10] Travellers probably knew that stolen goods were almost never recovered, that police often extorted money from the victims during their investigations, and that if anyone dared to identify a robber, he risked revenge by the robber's associates and months of detention waiting for the next visit by the judges of the Court of Circuit. (Witnesses to dacoity were required to make a security deposit guaranteeing their appearance at the trial, failing which they were detained in jail.)

Robberies of settled villagers and town-dwellers also frequently escaped the notice of higher officials. When the superintendent of police investigated dacoity in the Benupur (now Balagarh) *thana*, Hughli district, in 1808-1809, he discovered that 104 houses had been robbed although the police *daroghas* had reported only 33 dacoities.[11] A similar investigation of two *thanas* near Burdwan town revealed that only 4 of 26 dacoities in one six-month period had been reported to the magistrate.[12] The magistrate of Nadia found in discussions with zamindari *amla* (agents or officers) that they believed that at least three or four hundred persons were murdered by dacoits in 1808 and that highway robberies were committed almost daily. Yet only 30 dacoit murders and 4 highway robberies were reported.[13]

English officials not only thought that gang robbery increased after the reforms of 1793, they also realized that it was accompanied by extreme violence and cruelty. The violence was often so overwhelming that, no doubt, it was intended to intimidate villagers into non-resistance, to prove to future targets the futility of fighting, and to suggest what might befall anyone who should be foolish enough to give evidence to the police. Thus, for example,

dacoits killed 18 persons and wounded 15 in robbing the *kachahri* (office) of a zamindar in Dinajpur in 1800.[14] An average of 406 "wilful murders" per year, mostly committed in the course of robberies, were reported in the 1803-1807 period.[15]

Much of the most spectacular cruelty occurred after the dacoits had overcome the defenders of a *kachahri*, a house or a shop. Dacoits often tortured the inhabitants to force them to reveal where valuables were hidden. The most common torture was to apply a torch to the victims' bodies. In three Nadia robberies, male and female householders were burned with a quilt and hemp soaked in *ghi* (clarified butter), poked with spears, dragged around by the hair and their bodies lacerated and then rubbed with mustard seed.[16]

Persons who gave evidence against dacoits also experienced cruel vengeance. In one case dacoits set fire to the house of a *paik* (village militiaman or footman) who had reported an earlier dacoity, killed two of his relatives, and left the head of one of the relatives hanging from a tree.[17] In another case the government sanctioned a pension of three rupees per month to a witness whose nose was cut off after testifying.[18] Most people refused to testify. The magistrate of Nadia wrote in 1810 that "the fact of a general murder of the witnesses admits of no doubt."[19]

But whether the violence of gang robberies represented something more than an effort to restrain resistance and witnesses is open to question. Certainly it seems to have acted as a deterrent in the early years of the nineteenth century. As E. Strachey wrote from Nator, dacoits were better able than the British "to preserve their power; they have with great success, established a respect for their order, by speedy, certain and severe punishments."[20] Were the dacoits employing the methods used to collect rents and *abwabs* (extra payments) in zamindari *kachahris*, only with greater harshness? Many dacoits were village watchmen who had been, or still were, employed to coerce their fellow villagers at the request of the landholders and their *amla* (agents). Were they simply using old techniques for new purposes? Around Dacca, at least, when dacoit leaders ordered their men to torture robbery victims to locate hidden property, they used the phrase *tuhsul kurro* (make the revenue collection), an order which was said to have been used by subordinate officials in the late Mughal period in directing the torture of reluctant tenants.[21] Or did their violence reflect an anger at affluent villagers who had once employed many of them as village watchmen, revenue collection *paiks*, and *lathials* and who had been depriving some of

them, under orders of government, of their service lands? Or were they expressing resentment, previously controlled, against the higher status villagers who reportedly despised the lowest castes from which dacoits came, excluded them from temples, and called upon them to perform onerous, unpaid tasks? Or were the village poor turning to gang robbery out of economic desperation? British observers believed that the population was approaching its pre-1770 level and this may have tended to depress wages and to enable landholders to raise their rents. In addition, Regulation VII of 1799 supplied zamindars with summary powers of distraint (seizure of property of tenants in arrears) that enabled most of them to collect enough rents to fulfill their obligations to government.

The public sale of forfeited lands reached its peak in 1798-1799 and declined irregularly to a nominal amount in 1807-1808. The revenue demand on the lands sold at public auction in 1798-1799 equalled 19.37 percent of Bengal's total revenue demand; the demand on lands sold in 1807-1808 equalled .09 percent of the total.[22] Government support for zamindars exercising distraint on tenants in arrears contributed to the dramatic improvement in zamindari collections and the consequent decline in sales. But the struggle by zamindars and tenure-holders to meet their payments was by no means over, as the flood of law suits show.[23] It may be surmised that *jotdars*, pressed hard by the zamindars, were in turn treating their weaker under-tenants and laborers with corresponding harshness and driving some of them to search for alternative sources of economic support.

WHO WERE THE DACOITS?

A picture of who the dacoits were begins to emerge after 1800. It is evident that they were recruited from the margins of the village economy, from persons whose services may have seemed unnecessary under the tighter, more rigid fiscal arrangements. Almost every official who referred to the occupations of dacoits singled out the *chaukidars* as prominent members of bandit gangs. Not infrequently, a known dacoit was selected as village watchman because of his neighbors' fear and desire to appease him and because of their hope that his presence would protect them from attack.[24] One of the earliest descriptions of convicted dacoits is a list compiled in Nadia in 1808 of 33 members of three different gangs. The *sirdar* of each gang was a *chaukidar*. The occupations of the 33 dacoits were: 11

cultivators, 7 *chaukidars,* 4 *peadas* (peons), 3 laborers, 2 beggars, 2 betel sellers, 2 thatchers, 1 lime seller and 1 bearer.[25]

Much fuller and more detailed lists of prisoners exist for 1819 and 1820. The lists were of prisoners who had failed to make the security deposits required by judicial authorities to guarantee their good behavior. In other words, the lists are not of convicts but persons suspected of dacoity, and in a minority of cases, of other crimes. The grounds for demanding security from those persons included unproved accusations of living beyond their means, association with notorious characters and general notoriety. Some of the persons detained were judged to have been accused unjustly but the lists nevertheless seem to reflect in a general way the social composition of robber gangs. The largest occupational categories of the suspected offenders in the Burdwan district jail were 95 village watchmen, 82 laborers, 50 cultivators, 4 fishermen and 4 beggars.[26] The largest categories in the Nadia jail were 103 cultivators, 33 laborers, 31 fishermen, 30 bearers (probably palanquin-carriers) and 11 milkmen and cowherds.[27] Only three Nadia prisoners were listed as *chaukidars* but the discussion of individual cases made it clear that many Nadia cultivators and other prisoners also served as watchmen and that, as in Burdwan, dacoits were often *chaukidars*. The almost total absence of non-menial professions and of persons who can be identified as *jotdars* or landlords reflected the ability of persons with affluent connections to raise money for bribes and surety payments or to produce influential character witnesses. Their absence was, as we shall see, not evidence of their lack of involvement with dacoit gangs.

Information in the lists of the castes of prisoners confirms the official view that dacoits were generally recruited from the lowest castes. The Burdwan list contained 89 Doms, 82 Bagdis, 13 Haris, 12 Muslims, 7 Chandals and 7 Brahmins. The Nadia list had 93 Muslims, 35 Bagdis, 21 Kaoras, 13 Goalas, 12 Bauris and 11 Doms.[28] Doms, Bagdis, Haris, Chandals, Kaoras and Bauris were all among the lowest castes--the castes whose residential settlements were set apart from the main village community and who rarely held hereditary tenures. Doms were basketmakers and cultivators; typically, Bagdis were laborers, fishermen, cultivators, palanquin-bearers and village watchmen; Haris were swine-keepers and sweepers; Chandals were cultivators and laborers; Kaoras were swine-keepers; and Bauris were cultivators, laborers, fishermen and palanquin-bearers.[29]

BRITISH IDEAS

While British observers generally agreed that the lowest castes provided the largest number of dacoits and that *chaukidars* often led or collaborated with bandit gangs, these same observers often disagreed about the causes of dacoity. In their search for specific explanations, British administrators naturally looked to the recent Cornwallis reforms which had led to the removal of police powers from the zamindars and subsequently to the loss of land by zamindars in most districts. Some believed that in the process, the zamindar's ability to protect his *ryots* (cultivators), as well as their dependence on him, were destroyed. "For by us, all is silently changed," Henry Strachey argued. "The ryot and the zemindar, and the gomastah [landholder's steward], are, by the levelling power of the Regulations, very much reduced to an equality. The protecting...power of the zemindar, and the servitude of the ryot, are at an end."[30] The *Fifth Report* also claimed that the sale of zamindaris under the 1793 regulations "have reduced the efficient influence of the landholders, who, for the greater part, approach nearer now, than they did formerly, to the condition of mere cultivators."[31]

The view was contested by some officials. It was true that the largest zamindars in west Bengal, except the raja of Burdwan, had lost most of their land. However the transfer of most land was probably to local men of influence, many of whom were the former dependents of the great zamindars, rather than a transfer to cultivators or to "outsiders."[32] E. Strachey, Judge on the Calcutta Court of Circuit with experience in Nadia and Rajshahi districts, believed it was "erroneous" to argue "that the state of society in Bengal, owing to the reduction of the great families, and the division of estates, is now such, as to be unable to afford assistance to the police." Rather, the chain of influence, stretching from "the principal native officers of government" through the landholders and revenue farmers to the *gomasthas* and *thanadars* and finally to the village *mandals* (headmen) and *paiks*, was intact. The only significant number of truly independent men were to be found in the cities.[33] Strachey and like-minded officials believed that the levers of social control and dependency existed, if only Indian officials and landholders would use them.

E. Strachey was probably correct: landholder inaction was probably more willful than structural. In most areas the zamindars and revenue farmers exercised sufficient authority to learn which men in their villages were dacoits,

and they could have put an end to dacoity if they had regarded it to be in their interest to do so. One exception, however, may have been the area east of the Hughli river, in Nadia, one of the few districts in which merchants were among the major purchasers at auction sales.[34] Almost all the land in the locality changed hands by 1817. Many of the merchant buyers were speculators from Calcutta and were unable, at least in the early years of their possession, to establish the same kind of control and dependency characteristic of other parts of west Bengal. "The Estates have consequently been farmed, under-farmed, and rack-rented. The oppression and extortion of these new purchasers is gradually producing a Counterbalancing spirit of opposition and firmness on the part of the Ryots."[35] It may be that the exceptional frequency of gang robbery in Nadia was part of the resistance of the small, local landholders and their dependents to the efforts of the merchant auction-purchasers to assume mangement of, and raise rents on, their new estates. In 1809 the magistrate reported that "there cannot be less than 100 Sirdar Decoyts of note" and that "whole villages are said to consist of Decoyts." However, even in Nadia the dacoits were believed to operate under the protection of the "petty Landholders and revenue farmers."[36]

LANDHOLDERS AND BANDITS

Landholders gave direct or indirect assistance to dacoits in four different ways. By "landholders" we mean zamindars, *taluqdars,* rent farmers and principal *ryots* or tenants. First, a landholder might sponsor a bandit gang on either an occasional or continuing basis. Second, he might harbor dacoits in his villages or *kachahris*. Third, he might simply refuse to report a dacoity when it occurred on his land or to inform the police when he suspected his dependents were members of a gang. Finally, he might act as a fence for stolen goods. It is certain that most gangs could not have operated as effectively as they did without help from landholders.

Landholder sponsorship of bandit gangs was especially frequent on and near the western frontier of Bengal soon after the Permanent Settlement. Zamindars, whose land was forfeited for non-payment of revenue, encouraged gangs of *chuars* or hill people to attack their former estates in order to prevent auction purchasers from taking possession and also perhaps to call government attention to their plight and to demonstrate their dependents' support for

their return to the forfeited lands. In the late 1790s, Rani Shiromoni, zamindar of Midnapur *pargana*, and Durjan Singh of Raipur (Bankura district) were believed to have instigated plundering raids on their former estates by disbanded *paiks*.[37] The dispossessed rajas of Pachet, Bishnupur and Birbhum were also accused of similar behavior. The raja of Burdwan, Cossinaut Banujeea, and Bishenaut Banujeea, who were buying at auction parts of the Bishnupur estate, complained that the raja of Bishnupur with thousands of *chuars* accompanied by horsemen and palanquins had plundered and burned some of their purchased villages.[38] In Birbhum during the hot weather of 1801, three dacoit gangs converged on Nagar, the home of the raja of Birbhum, and plundered every house except those belonging to the raja and his Muslim dependents. Nine hundred men took part in the raid--five hundred from Burdwan district and four hundred from Pachet. Bauris were the *sirdars* of the largest of the two Burdwan gangs.[39]

However, most Bengal dacoits in the nineteenth century were from lowland areas within the frontiers of Bengal where they enjoyed protection from local landholders, either in the form of active cooperation or a refusal to cooperate with the English magistrates. One of the most notorious dacoit-zamindars was cosharer of the Sherpur zamindari in Mymensingh, an estate that took three days to cross in one direction and a day and a half in the other. The estate had been divided and then subdivided, and the cosharers were unable to agree about the relative size of their shares or the location of the boundaries. One of the relatives, Birjnath Chowdrie, was said to have employed fifteen-hundred armed men in dacoities against the others and to have transferred most of his land to his servants and a cousin so that if he were arrested and charged with dacoity, the government would be able to confiscate only a small section of his land. The local magistrate had to send sepoys to suppress the dacoits.[40]

Another example of zamindari sponsorship comes from Bhurrutpur *thana*, Murshidabad district. One of the principal zamindars of the *thana*, Luckenarain Babu, persuaded a dacoit *sirdar* named Durpa Gowalah to leave the service of a rival zamindar, Perwun Babu, who then retaliated by attacking Luckenarain Babu with one hundred of his followers. Several men died in the fight. Luckenarain Babu employed over a hundred armed men although he had farmed out the whole of his estate and therefore was said to have had no legitimate need for them.[41] Another example is of the *taluqdars* in Nadia district who had bought up sizeable es-

tates and who complained that Khosaul Biswas, one of the former owners and an employee of the Nawab of Murshidabad, had led a dacoit gang of almost seven hundred men in taking possession and extorting money from forty villages.[42]

Indeed, reports came from every district stating that landholders were sponsoring or helping dacoits, either for the purpose of pursuing conflicts over land or increasing their income. Charles Richard Blunt, magistrate of Birbhum, sent a detailed account of gang robbery on the borders of Birbhum, Burdwan and Murshidabad districts. In the course of his investigation he interviewed over two hundred landed "proprietors" and arrested between three and four hundred persons on suspicion of involvement in gang robberies. He found that there was "a general system of collusion" between the dacoits, landholders, police and government officers. The zamindars, in most cases, maintained only loose, indirect contacts with the dacoits but they found these contacts highly profitable and they protected the dacoits from detection. The zamindars kept agents at both the *daroghas' thanas* and the magistrate's *kachahri* in order to learn of official plans against the gangs and to intervene on behalf of their dependents. Blunt thought that a major portion of the landholders' profits were derived from acting as fences for the gangs. He believed that there was something approaching "a general custom...among the Landed Proprietors, of trafficking in stolen property" and that many of the proprietors had risen from poverty or modest backgrounds with the proceeds of gang robbery:

> Many wealthy Proprietors of Estates, now occupy large Pucka [built of brick] Houses, who for a few years back, were employed as Pykars, and Gomashtas, on a salary of five and six Rupees per month. The sole property of others, consisted in a small retail shop in some one of the Principal Towns, in this, or the neighbouring Districts, and in one instance, a family has lately purchased an Estate, for which they have paid 10,000 Rupees and Estimate their property at a Lac, who a few years since were no better than Thannadars (Village Watchmen).
>
> Ask any of these Persons by what means they have risen to independence and affluence, and they will tell you, by trade. Ask them the particular articles of traffic, and they reply, their dealings are not confined to any. Again if you enquire after the shop in which the merchandize was exposed for sale, you will find it to be a ware house, or apartment, in the very interior of their dwellings, constructed for the

> express purpose and to which no light has access, and such articles of trafic as are not of a perishable nature, are frequently discovered buried either in their compound, or Granaries, or immersed in the Tanks in their Gardens.[43]

Blunt described how stolen property was transferred from the dacoits to the receiver, then to the landholder and finally to a distant itinerant merchant. He believed that village watchmen were at the center of most gang robberies and that they were the first to be suspected. Therefore it was necessary for each gang to have a receiver located at a considerable distance from the dacoits' own village.

According to Blunt, the proceeds of dacoity were enabling men of modest means to offer themselves as farmers (collection contractors) of the rents under the zamindars or to buy their own zamindari estates. And as village headmen became rent farmers and as farmers became zamindars,[44] they remained largely secure from detection and prosecution. Almost no one was willing to testify against them.

It might be imagined, that the major landholders without connections with bandits, fearing that they might be attacked by dacoits, would have been eager to cooperate with government in suppressing banditry. However, dacoit gangs often avoided their houses and compounds because these were more likely to be *pakka* and well-guarded, and they were also more likely to have both a network of dependents who might identify the robbers and a gang of *lathials* who could avenge a dacoity. Moreover, merchants, goldsmiths and silversmiths, moneylenders and small landholders were easier targets. As the magistrates of the Twenty-Four Parganas reported in 1802 dacoits concentrated on the "houses of the lower classes of natives, from whence they could expect little or no opposition."[45] The magistrate of Hughli wrote in 1814 that many "higher class" people were in league with the dacoits and received stolen goods from them. On the other hand, he had not heard of any dacoity against a zamindar. "The Robberies are generally confined to the houses of the poor...sometimes one hears of a rich weaver being plundered."[46]

If landholders were essential for the successful operation of dacoit gangs, they were also a key to their suppression. Government officials clearly were well aware that banditry increased after the Company deprived zamindars of their police powers. In 1807 the government attempted to enlist people "of credit and influence" to assist the *daroghas* but official distrust of landholders in general, and perhaps zamindari anger at the government, frustrated

the effort. In 1808 and 1810, the government passed regulations imposing harsh penalties on persons who assisted or held back information about dacoits.

It is apparent that some magistrates used their coercive powers against the zamindars more often than their persuasive and conciliatory powers. In both 1815 and 1820, the Governor General in Council found it necessary to warn the magistrates against "injudicious severity" in dealing with zamindars and village headmen for neglect of their police duties. Magistrates were urged to praise, encourage and reward local leaders who cooperated with the police and to grant "an honorary dress or such other token of approbation as might be deemed suitable to the rank of the individual and to the nature of the case."[47]

Thus officials regretted the absence of cooperation from landholders and some recognized that insensitive treatment of local leaders was alienating them. Yet few recommended a return of police powers to the zamindars. Henry Shakespear, the acting superintendent of police, predicted after consulting the magistrates in 1820 that 99 out of 100 higher class persons would abuse increased police powers.[48] The major check given to gang robbery in the second decade of the nineteenth century was effected without the help of landholders in most districts.

THE *DAROGHAS*

The regulations of 1793 concentrated control of the district police in the hands of the British magistrate who had replaced the Mughal *faujdar* as head of the district criminal court and police.[49] And before, during and after the tentative efforts to enlist zamindari help against the dacoits, the Company placed much greater reliance on the English magistrates acting through the agency of the police *daroghas,* than on landlords. Each magistrate appointed ten or so *daroghas* to manage the police in the *thanas* or police circles. But the effectiveness of the *daroghas* in law enforcement was minimal because it depended on the cooperation and intelligence provided by village watchmen, a force over whom they had little control. Few *chaukidars* either resisted or reported gang robbery.

The *daroghas* of west Bengal occupied an anomalous position. Most were Muslims serving in predominantly Hindu districts that were not their own. They were the highest Indian employees in the police yet their monthly pay of Rs. 25 was a small fraction of the salary earned by the British

magistrate,[50] who was usually younger than they were. Moreover, they were required to maintain a horse or two, together with the necessary servants such as grooms, to move about in their four-hundred-square mile *thana*. They also had to make payments to the chief Indian employees at the magistrate's court, less they suggest to the magistrate that the *daroghas* were not fulfilling their duties.[51] And as recipients of police powers that had previously been shared by zamindars, they were resented by landholders who continued to appoint and share in the cost of maintaining village watchmen. The general failure of the village watch to give information about crime to the *daroghas* suggests that many still gave greater deference to local landholders than to the *darogha* at the *thana*. The *Fifth Report* described the *daroghas* "as insulated individuals...viewed with fear by some, with jealousy by others, and neglected by most of the inhabitants." They did not possess "that personal consideration in the public mind, so necessary to aid them."[52]

Many *daroghas* were distinguished more for their veniality than their success against dacoits. It was often not in their interest to arrest suspected bandits as witnesses were difficult to procure, and without creditable witnesses, acquittal before the Court of Circuit was certain. Moreover, magistrates did not like having a high proportion of acquittals on their records and *daroghas* were sensitive to this concern. Therefore the latter often preferred to work out an arrangement with the dacoit *sirdars* who lived within their *thanas*. If local dacoits would refrain from robbing people within the *thana* and would share their takings from their distant raids, *daroghas* would agree not to arrest them. But this did not mean that *daroghas* invariably regretted local robberies. When a *darogha* or his assistant arrived in a village to investigate a dacoity, he often demanded expensive refreshments or meals. If stolen goods were discovered, the goods might be secretly planted in an innocent neighbor's house. After an investigation turned up the planted loot, payments to the police would be requested--and given. In addition, neighbors of the dacoity victim would be questioned as potential witnesses and told that they wold be "sent to the magistrate a hundred miles distant, and then made to stand at the door among a hundred and fifty pairs of shoes, till *his excellency* the Nazir, the under-sheriff of the court, may be pleased to announce them to his highness the magistrate, which, of course, he will not do without a *consideration*. To escape all these threatened evils, they pay handsomely and depart in peace."[53]

Villagers must have dreaded the *darogha's* investigation almost as much as a robbery. In fact, an investigation

often was a species of robbery. If a villager failed to bribe his way out of being summoned to the *thana* to give evidence, he faced a burdensome and expensive process. He might be forced to pay a security deposit to guarantee his appearance at the trial at the Court of Sessions. He would be required to give his evidence first to the investigating *darogha*, then to the magistrate and then to the Circuit judge. In the process he risked being caught in humiliating inconsistencies. If the case came to trial, he was required to swear on Ganges water and this was abhorred almost universally as a dishonorable act. Appearance at the biannual Court of Sessions might necessitate a walk of twenty-five or fifty miles, and days or even weeks away from village and fields. And the giving of evidence against dacoits involved the risk of arson or murder by their accomplices.

It was therefore understandable that villagers were willing to pay to escape being called to court. A judge of the Murshidabad Court commented that of the 3,568 witnesses summoned to appear in dacoity cases in one Rajshahi session, fewer than 1,800 "were actually sent in. The difference affords a happy Selection [for bribes] for the Police Darogah."[54] Sometimes all the inhabitants of villages would flee on the approach of a *darogha* and his men. At other times, villagers conspired to conceal gang robberies, believing that the robbery was only the beginning of their losses. A dacoity victim, who was discovered to have failed to report a robbery, commonly stated that "I am a poor Man. All my property was taken. My wife was burnt. I could not attend to a thing. Besides if I had reported the Darogah would have come to make [an investigation] and I could not bear the expense."[55] Moreover, a man who reported a dacoity drew his neighbors' anger for exposing them to demands that they appear as witnesses. "The man who has been robbed, instead of being an object of compassion among his neighbours, often incurs their resentment for submitting them to this calamity."[56]

In an effort to curb the *daroghas'* extortions and abuses, the government passed a series of regulations between 1807 and 1812 that prohibited them from hearing petty complaints and from detaining prisoners more than 48 hours.[57] But the habits of decades were difficult to root out. A judge of the Court of Circuit at Murshidabad reported in 1814 that people were still imprisoned "without a written Complaint and witnesses are placed under illegal duress. Stocks are kept at the Thannah and people exposed in them." The *daroghas* and their subordinates were also said to be seizing the property of persons who died intestate and exa-

mining rights of inheritance, although the authority to investigate escheats had been transferred to other officials in 1810.[58]

SPIES AND INFORMERS

Confronted by police who preyed upon the villagers, by landholders who refused to help and by witnesses who would not testify, the British magistrates turned increasingly to informers and spies. The reliance on known dacoits and spies proved highly effective in identifying the leaders and members of robber gangs. To this system belongs most of the credit for the sharp reduction in dacoity in the second decade of the nineteenth century. However, if villagers were exposed to less violence and fewer massive losses of property, they continued to be fleeced by the police and magistrates' spies. In numerous instances, innocent persons seem to have been incarcerated as a result of false information supplied by spies.

A spy or informer was called a *goinda* (derived from the Persian word *guftan,* meaning to inform, tell, or speak). Police spies were an old institution. They are mentioned in the *Arthashastra,* the *Ain-i-Akbari,* and other Mughal sources. They had been employed by both the Mughals and the Company in Bengal before 1800. The government decision to employ informers on an official basis was made in 1808, before dacoity had been checked in most districts. By then it had become clear that many *daroghas* were ineffective and corrupt. And by 1808, Mr. Blacquiere, a Calcutta magistrate, had had remarkable success in suppressing gang robbery in the Twenty-Four Parganas and Nadia through the use of *goindas*. Blacquiere, who had lived in Bengal since his childhood and was not a member of the covenanted service, had offered his services to the Company to combat dacoity. In contrast to most magistrates, he "possessed a perfect knowledge of the language and the manners of the natives." He recruited a number of dacoits who enabled him to identify and arrest a large number of robbers.[59]

Monetary rewards and immunity from prosecution induced captured dacoits to become informers. A relatively modest reward of Rs. 10 had been authorized by the regulations of 1792 for each convicted dacoit but this was sufficient to attract a crowd of informers even though they had to share the reward money with the *darogha*.[60] The persistence of gang robbery persuaded the government to raise the rewards in 1808 and 1810. New regulations in those years permitted

the *Nizamat Adawlat* (Criminal Court) to offer sums of up to Rs. 500 for proclaimed *sirdar* dacoits and Rs. 100 for proclaimed ordinary dacoits. After an individual was publicly declared a dacoit, he was considered guilty of the crime if he did not surrender himself within two months.[61] These new regulations provided powerful incentives to informers to turn on their associates or to work for the conviction of their enemies. It was especially easy for magistrates to recruit *goindas* at the six monthly jail deliveries. Persons suspected but not convicted of robbery were held in jail until they provided security for their good behavior. Since many such prisoners were unable to produce the security payment, they were "almost uniformly willing" to volunteer their services as spies.[62]

Because *goindas* had the ability to harm as well as protect both the guilty and the innocent, their influence was "truly formidable." According to E. Strachey, "the village Chowkeedars and Servants of Zemindars and Talookdars, who attend at the Thannahs, naturally fall under the influence of the Goyinda, they assist him in the mofussil and he is supposed to protect them at the Thanna and at the Zillah Station" of the magistrate. Village watchmen and servants of landholders were said to help the *goinda* to implicate innocent persons.[63] The *goinda* needed this help because he was not allowed to testify in court, only to provide information to investigating officials.[64] Once accusations were made or threatened, the *goinda* and his allies extorted money. *Goindas* were also able to frustrate investigations and prosecutions because sentencing of dacoits could succeed only if witnesses came forward to testify. When *goindas* wished to silence witnesses, they falsely accused those witnesses, or their friends, of dacoity. And when *goindas* arranged to have some witnesses arrested, "most of the remaining Witnesses fly the Country." Those who remained ordinarily would not dare to testify.[65]

Government's reliance upon spies and informers was controversial. Some judicial officials believed that *goindas* were extorting money and accusing innocent persons on a wide scale. Some also thought that they were instigating dacoity in order to convict the robbers and collect the rewards.[66] A government report in 1809 estimated that spies figured in about half the dacoity cases being heard by the Courts of Circuit although it also attributed the increased effectiveness of the campaign against dacoity almost exclusively to the use of *goindas*.[67]

CONCLUSION

By 1815 dacoity in most Bengal districts had declined to a small fraction of the number a decade earlier. It remained low until the 1840s when it made a spectacular recovery.

The fragmentary nature of the evidence about pre-1820 banditry only allows some generalizations about who became dacoits and why, and who was robbed and why. The dacoits remain almost faceless in the records; their victims even more so. There is little reason to equate Bengali dacoits with the "social bandits" who Eric Hobsbawm defines as "peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported."[68] Many dacoits did remain in their village community where their *sirdars* built temples for Kali and spent lavishly on marriages and funerals. If their confessions had been preserved, it would be possible to speak more authoritatively about their motivation. We may infer, however, that many *chaukidars* and *lathials* resented loss of employment and subsistence land as landholders and the state resumed rent-free tenures and increasingly relied on the courts instead of coercion in collecting rents and revenue. Beyond that it is difficult to go. We do not even know if those *chaukidars* and *lathials* who became dacoits had experienced reductions in their economic position. Nor is there evidence that the victims of banditry were often employees, supporters or beneficiaries of British rule. Dacoits seem to have avoided the houses of Brahmins and large landholders. Although there is no information indicating that dacoits were admired by sections of village society in this period, its absence does not preclude the possibiity.[69]

The main conclusions instead focus on the failure of rural notables to aid the Company's government, and on the apparent erosion of the moral basis of the agrarian order. Gang robbery increased against the background of a scramble for economic rewards accelerated but not initiated by the Cornwallis reforms of 1793. The social controls exercised by rural elites before 1793 had been imperfect. But these reforms seem to have severed important internal and external constraints among a section of the rural poor. The land settlements and administrative changes disrupted social hierarchies. Banditry was not the central feature of this disruption but it demonstrated clearly the unpredictability

of social controls in the new system. And it exposed a fault in the social structure, roughly corresponding, it seems, to the line between the landless poor and people with tenancy rights.

The new Cornwallis system attempted, in effect, to dismantle the Mughal patron-client relationships, to shift the land-supported rural police from the zamindars to the command of salaried police officials. The reforms also broke up almost all the largest zamindari estates by allowing *taluqdars* and auction-purchasers to pay their revenues directly to government, bypassing the zamindar-patrons. This meant that men who had once been clients of the zamindars now became independent patrons, motivated in many cases by the extreme competitiveness and individualism engendered or even forced on them by the auction system and high revenue demands. The new patrons often were the middle men of the eighteenth century--dependent *taluqdars,* zamindari *amla* and revenue farmers. Many of them probably did not share the charitable values said to have been characteristic of the ideal zamindar. More certainly they did not have the means of supporting as many of their dependents with rent-free land and salaries. The 1793 regulations, with a high revenue demand enforced with strict punctuality and with provision for resumption of many service lands, closed off major sources of clientage. Some new patrons therefore made accommodations with a new (or increasingly common) type of client, the *sirdar* dacoit, who might otherwise have rendered their landholdings worthless.

The *sirdar* dacoit was typically a *chaukidar* or a former watchman. And the *sirdar* dacoit was often recruited from a class of men who were being squeezed off the land by legal and illegal resumptions of service lands but who were accustomed to collecting rents and patrolling the fields and villages, using physical force when necessary. The *sirdars* looked to the new patrons to protect them, to employ them and *their* dependents in land disputes or robberies and to dispose of their loot.

The Company reacted to the growth of dacoity by reforming the police and justice system, not with any major effort to forge cooperative links with rural elites or to remove sources of economic distress. The criminal justice system in the early nineteenth century had no base in popular consciousness. Undoubtedly there was a widespread sense that taking the possessions of others was contrary to *dharma*. Yet among the groups who supplied recruits for dacoit gangs, there may also have been a feeling that it was wrong to deprive village servants of land and employment and that the

exemplars and enforcers of moral behavior--insofar as zamindars were thus perceived--no longer possessed authority. The legal system of the early nineteenth century did not serve the rural poor except in rare cases. Instead it was used by creditors to collect their debts, by landholders to obtain their rents and by the government to punish both poor people who had been accused of banditry and their former patrons who failed to pay the revenue demand.

An instructive comparison is the workings of the criminal justice sytems in Bengal and England, a contrast facilitated by Douglas Hay's analysis of English criminal justice. In early nineteenth century rural England, the gentry were the key to the maintenance of order. There was no regular police force. When crimes against property were committed, the victim came forward to prosecute. By 1820 the English propertied classes had succeeded in having about two hundred capital statutes passed by Parliament.[70] However, at the conclusion of trials for capital offenses, the guilty were often pardoned rather than sent to the gallows. "Here was the peculiar genius of the law.... Discretion allowed a prosecutor to terrorize the petty thief and then command his gratitude, or at least the approval of his neighbourhood as a man of compassion."[71] In pre-Cornwallis Bengal also, the zamindar and his agents enjoyed considerable discretion in their administration of justice and in their ability to offer patronage, revenue-free lands and charity. The pre-Cornwallis zamindars were less agents or partners of the state than the English gentry but their sense of honor and their religious values led many to adopt a broad pattern of paternal behavior.

The working of the Permanent Settlement not only took away land from a substantial portion of the class whose upbringing had emphasized the necessity or the benefits of paternalism, but it also shrank the powers and surplus wealth which made paternalism possible. The uncooperative behavior of new and old zamindars was probably at least as much a resistance to English disruption of a valued way of life as it was an inabililty to assist the Company's government. Unlike the English gentry, the Bengali landholder rarely either initiated a prosecution for robbery or was permitted to exercise the pardon, "the principal instrument of legal terror" in the English system. In Bengal the criminal law was an instrument of an alien government, not of the landed classes, and it did little to strengthen "the mental structure of paternalism"[72] that had been disrupted by the Permanent Settlement.

The point is reinforced by comparing the working of the courts on tour. When the English Assizes, the equivalent of

Bengal's Court of Circuit, made its twice-yearly visit to an English county,[73] the "cream of society" attended the county meetings and the ball that were often held at the same time. Moreover, the judges used their addresses to the juries to lecture the local gentry on "the state of the law and the duties of gentlemen."[74] The visits of English judges to the Bengal district headquarters were very different occasions. There were no juries. Much of the proceedings were in Persian and few judges apparently were capable of speaking effectively in Bengali, even if men of influence had been present to hear them. And witnesses, at least, were generally willing to pay bribes to avoid attending. As a result, the Courts of Circuit in Bengal seem to have done little to reestablish the authority of local leaders over the village poor. Judging by the recrudescence of banditry in the mid-nineteenth century, they also failed to deter dacoity with their frequent deportations and executions. In passing the regulations of 1793, the British in India had separated authority and power from property in a manner that contrasted starkly with conditions at home.

CHAPTER TWO

BANDITS AND REBELLION IN NINETEENTH CENTURY WESTERN INDIA

F. Bruce Robinson

The Chitpavan Brahmin Vasudev Balvant Phadke learned a revealing lesson in 1879 when he attempted to rebel against the British rulers of Western India. As political upstarts had done for generations, Phadke journeyed from Poona into the surrounding hills where he hoped to recruit followers for his uprising. Following established convention, he went to the *naiks,* or leaders, of several groups which had long been identified with armed exploits and banditry. Although he found the *naik*-henchmen ties so badly weakened as to be useless, he, nevertheless, managed to recruit Ramusis and Kolis from the Purandhar *Taluka* (subdivision of a district) and some Dhangars of the Bhor State.[1] Whereas the very name "Ramusi" had in years past struck terror into the hearts of all government functionaries, the children and grandchildren of the men who had wrested control of the Purandhar *Taluka* from the British Government in 1824-1827 proved to be undisciplined, timid and greedy. The first sixty years of British rule in the Western Deccan (1819-1879) had altered the nature of the long-standing Deccan institution which Phadke sought to resuscitate--the armed band.

I

By the time the British Deccan Commissioner replaced the Peshwa as ruler at Poona, the capital of the Maratha Confederacy, the armed band was established as a constant in the ongoing struggle for political power. Village headmen retained armed bands to terrify tax collectors and money lenders; *jagirdars* (land grantees) employed bands to pillage the lands of their enemies; and contenders for the seat of power in Poona tested their prospects and challenged the incumbent

by raising armed bands and closing the passes *(ghats)* which lead from the Deccan to the coast. The seasonal appearance of armed bands in the hills surrounding Poona and stretching along the Western Ghats from Nasik to Satara was an endemic feature of this rugged terrain, and they were restrained only by measures irregularly employed by the suzerain power.

Before the appearance of the British, each major peak in the rugged hills of the Western Deccan was capped by a hill fort. Garrisons were arranged to keep the roads open and to constrain the free movement of armed bands of marauders up and down the Ghats. In some cases the forts were garrisoned by troops from the Deccan proper: these men and the rulers at Poona believed the inhabitants of the hills and valleys adjacent to the peaks of the Sahyadri Range (as this stretch of the mountains is called) to be nearly invincible here in their mountainous home. The suzerain power regularly sought to control these peasant warriors of the mountain valleys *(mavals)* by appointing the most able and ambitious chiefs as fort commandants and police officials. These men received titles, shawls and turbans appropriate to their office, and grants of land. Originally successful soldiers and marauders, these men were entrusted with controlling designated tracts of land and stretches of the vital roadways which connected Poona, Satara, Nasik and Bombay. As long as the depredations of ambitious upstarts amongst them did not come to the attention of their suzerain in Poona, the positions of the men so rewarded were safe and soon took on the appearance of permanence.

When the British arrived, they found a succession of *naiks* (chiefs) strung out among the nearly inaccessible hills and valleys west of Poona, running from Bhor Ghat in the south to Nasik in the north. Dubbed by the British the Naikwari Police, this system of control was present throughout much of Poona and Ahmadnagar districts: it was most clearly evident among the hilly tracts, less distinct in the east and then absent in the areas adjacent to the Nizam's territories. The Peshwa's records convinced the first British magistrates that the *naiks* were the remnant of an indigenous police system, that their positions were hereditary, and that these retainers owed direct and unambiguous allegiance to the state. The arrangement was accepted by the colonial administration as being consistent with established native usage and, therefore, worthy of being continued.

All the *naiks* were drawn from peoples referred to in the colonial administrative records as "predatory tribes." They were called this because they frequently supplemented

the meager fruits of their agricultural endeavors by plundering their more prosperous neighbors. Kautilya, the author of the ancient political treatise entitled the *Arthashastra,* referred to such peoples as the "wild tribes," and he recognized their economic and geographic marginality. "That land on the border,...giving shelter to bands of thieves, Mleches [foreigners] and wild tribes is a land with a constant enemy."[2] Kautilya also cautioned against attempts to eradicate such people: for in the same manner as when a bucket of water is poured on a mud wall and the mud reappears at a new location, so the "wild tribes" will reappear after even the most concerted efforts to annihilate them. Instead, he directed that these peoples be used to the ruler's advantage to raid an enemy's territories and disrupt his supply line. The British accepted the assumption that the best thieves make the best thief-takers, and they based their police arrangements throughout this region on the Naikwari System.[3] So confident were they of what they believed to be an indigenous institution that many of the region's hill forts were destroyed, the irregular infantry garrisoned in them was dismissed and Europeans were rarely seen in the hilly tracts from one year to the next.

This system of police was most prominent along the eastern edge of the Western Ghats. From Trimbak in the north to Bhimashankar in the south, the *naiks* and other inhabitants are predominantly of a people known as the Mahadev Kolis but identified in history as *mavali*. The latter name is derived from the location of their villages among the narrow valleys of the rivers which flow eastward from the Sahyadri Range. Each valley was under the control of a hereditary lord or *deshmukh*. Young Shivaji, the founder of Maratha prominence, began his rise to power by bringing the hereditary chiefs of the twelve *mavals* under his influence.[4] By 1659 Shivaji could field a force of ten thousand *mavali* infantry who, it was believed, could negotiate steep paths and scale cliffs that were beyond the abilities of ordinary troops.[5] To this day Tanaji Malsure, a Koli warrior whose heroic exploits enabled Shivaji to capture the impregnable fort of Singhad, is one of those still remembered for his courage and agility. But his fellow Kolis did not join in the subsequent Maratha expansion across the subcontinent.

These Koli residents of the *mavals* were mountain men, not cavalry. They inhabited a region which was politically, economically and geographically peripheral--a refuge area. Their lands were less fertile than those of their neighbors on the Deccan proper; their agricultural methods were rudi-

mentary; and their yields were inadequate for their needs. To supplement their meager harvests, the *mavalis* extorted fees from caravans passing up and down the Ghats, robbed travelers and plundered the villages below. Their sure-footedness and endurance in the rugged terrain and their skill with arms made them natural and effective warriors;[6] their allegiance to their *naiks* made them perfect recruits.

Robert Redfield has termed such groups "minority peoples" who, through their natural militaristic talents, adjust to adverse situations in assertive ways. In writing about peasant wars of the present century, Eric Wolf describes the same marginal peoples ensconced on the periphery of political domains as "poor but free" peasants. Eric Hobsbawm has written of "groups and communities of free, armed and combative men" inhabiting the mountains and empty plains of regions such as southeastern Europe, the backlands of Brazil and the marches of Imperial China.[7] Predatory tribes of Western India, such as the *mavalis* possessed many of the distinguishing features referred to by these authors. They fought among themselves for preeminence and were ready at any time either to take up honorable service at the behest of an elite retainer or, under economic severity, to join a gang of marauders. Although they were regarded as distinct and regarded themselves to be distinct from the surrounding society, they competed for political power within that larger society and were integrated into it through long-standing interaction.

The means the *mavalis* chose of competing for political power and making their claims felt were simple and appropriate to their natural skills as mountain men and warriors. When aggrieved, driven by scarcity, or under the leadership of an ambitious chief, the *mavalis* and other predatory tribes inhabiting this region took to the hills in armed bands. Depending on their motivation, they plundered more settled and prosperous villages, seized control of tracts of land, or performed primarily symbolic acts to attract the attention of the suzerain power. Their manner of communicating their claims and achieving their ambitions gave them their identity as predatory tribes.

Having acquired local prominence through the force of arms, the region's predatory tribes were accustomed to wresting titles of recognition and patents to collect blackmail as conciliatory gestures from the Poona authorities.[8] Yet, their broader ambitions were held in check by the existence of heavily garrisoned hill forts and a system of competing jurisdictions. Under the impression that the numerous hill forts and local infantry were redundant, the

British removed all existing restraints. They believed that the Naikwari Police would maintain peace and order among the hills, so they retained the services of these archaic hill chiefs and respected their claimed titles and privileges. These measures prevented the *naiks* from experiencing any of the initial trauma of colonial rule. Their situations were not disturbed, and none of their former assumptions were challenged by a successor state that acted according to established expectations. During the first years of British rule in Western India, the favored *naiks* bided their time and waited to see how the foreign rulers would handle a challenge to their power by an armed band. Gang robbery and seasonal disturbances were not entirely absent during the first decade, but they posed no overt challenge to colonial authority.

In 1824 Ramusi Naik Umiaji, who had been dispossessed by Baji Rao Peshwa in 1803, and subsequently ignored by the British, issued a major challenge from the Purandhar *Taluka* of the Poona district.[9] He gathered a band of armed men in the hills between the fort and the temple town of Jejuri to press for the return of his rightful post as guardian of the Purandhar Fort. After a succession of small robberies and a raid on the government treasury, located on the outskirts of Poona City, his gang swelled to nearly one hundred men. During the next three years Purandhar *Taluka* was virtually lost to the insurgents; wherever troops were not immediatly present, the rebels held sway. Umiaji issued proclamations in his name directing villagers to pay the land revenue to his men, not to the government. In exasperation, the district's top police official justified his inability to capture Umiaji in the following words:

> They [the villagers] feed them [the insurgents] in every part of the country, so that go where they will, in this and the neighboring Districts, they are sure of a dinner, and information of everything that is going forward. A man does not leave Poona but the information is taken to them immediately; and this manner of conducting this part of their plans could do credit to the most enlightened Nations.[10]

Umiaji's ability to elude the most concerted British efforts to capture him precipitated an involved series of negotiations, accusations, rationalizations and recriminations which resulted in a British pardon for the band leader and all of his followers.[11] While the official records portray the surrender of a penitent bandit to his magnani-

mous overlord, the actual event conveyed a different message about the way in which the colonial administration reacted to an overt challenge. Before the major shrine of the Ramusis' favorite deity at Jejuri, Umiaji and his followers, bedecked with regalia borrowed from the temple, descended to the sound of clashing cymbals to receive their "pardon." This pardon included an appointment for Umiaji as the head police official of Purandhar and Bhimthadi *Talukas* plus a grant of twenty *bighas* of land and thirty rupees a month as pay.[12] Umiaji's triumph had an immediate effect. The Mangs of the Bhor State and Satara, the Bhils of Khandesh and the Kolis of the Deccan *mavalis* all understood that the British successor state would honor a long-established precedent: after an initial show of force, armed bands would be showered with "golden arrows"--concessions, titles, rewards and grants to land revenue.

The year 1829-1830 was a sobering one for the British administration in the Bombay Presidency. In the wake of Umiaji Naik's pardon, disturbances sprang up throughout the hilly interiors of Satara, Poona, Ahmadnagar and Nasik; but the greatest threat came from the Mahadev Kolis, men who were close relations of the trusted Naikwari Police. In a report to Bombay about a Mang disturbance in his district, the British Resident at Satara identified as the cause of these uprisings not the "want of food, or an honest means of livelihood suited to their conditions....They plunder, not because they are starving, but to enforce certain objects."[13] Just as Umiaji began his campaign against the British because he felt he had been unjustly deprived of his rightful position as the head guardian of the Purandhar Fort, so all the gangs which took to the hills in 1829 and 1830 were motivated by specific grievances.

At the end of the cold season, a band of nearly two hundred men appeared along the Ghats in the northern part of Ahmadnagar. The band dispatched runners with demands for contributions of money and provisions to various villages. The messengers carried arrows wrapped in bundles of dried grass, a threat of death and fire, to emphasize the dire consequences of refusal. Throughout the affected areas, revenue collection immediately ceased and the moneylenders fled. Rumors and outlandishly exaggerated reports flowed in to the British magistrate, to be joined subsequently by a packet of petitions from the insurgents themselves. The British credited neither the reports nor the petitions. Instead, they flooded the area with troops, posted substantial rewards for information and hired spies. And as the hot sun of April and May dried up all but a few sources of

water, the British tactics succeeded. Without paying the slightest attention to the insurgents' grievances--all of which stemmed from their claims to lost service as troops in former hill forts or employment as part of the Naikwari System--the band was suppressed. Seventy-nine Kolis, three Brahmins and three Thakurs were apprehended.[14]

Once peace returned, no one ever questioned the insurgents' motivation. The Ahmadnagar Sessions Judge, who decided the fate of those seized, did comment on the peaceful nature of the incident: "there having been no murder, or bloodshed of any kind committed by the bund [band], and the utmost personal violence which was perpetrated was the carrying of individuals, and keeping them under restraint until ransomed with money."[15] The judge was forced to concede that this disturbance must have been "quite a singular instance of the kind;" but he accounted for the peaceful nature of the disturbance by noting the unusually effective organization under which the band operated and the high quality of its leadership. No reference was ever made to the petitions submitted by the insurgents themselves informing the authorities of their motives, intentions and hopes.

With Umiaji's pardon behind them, the British made a determined effort never again to conciliate gangs of bandits. The appearance of armed bands in the hills of Western India henceforth elicited a single response--a suppression campaign. Whereas Umiaji's pardon had immediately reaffirmed to the region's inhabitants an established assumption --that successful bands win concessions and status--the British determination to treat all armed band members as criminals was harder to communicate to the peoples of the hills. The assumption that these bands should be bought off was well established. In 1829 the Naikwari Police advised the British to conciliate the Koli Band. The police explained that if regular troops fired on the Kolis, they would ravage the countryside and the government would not be able to suppress the insurgents until they had their own way. The sympathies of the Naikwari Police were openly with the Koli insurgents, whose claims the local police believed to be just and whose method of making a grievance known had long been accepted by the people of the hills. Not until 1845, when another major uprising in the Poona-Ahmadnagar *mavals* was suppressed, did the British discredit popular belief in the efficiency of the armed band.

The formation of bands in the Western Deccan was by no means exclusively tied to motives of political competition or grievance articulation. Many more gangs sought loot than some less tangible object. Under the Peshwas, the Kolis

supported themselves by military service and seasonal raids on the villages below the Ghats. The appearance of the British cut off the possibility of honorable military service, but it did not diminish the Kolis' marauding spirit. Under the protection of the Naikwari Police, annual forays below the Ghats continued. By the 1840s the Bombay government suddenly realized that a widespread system of gang robbery had evolved under their noses. This awareness was prompted by the increasing incidence of banditry which threatened the shipment of opium from Malwa, down the Thal Ghat near Igatpuri, to Bombay. A series of large opium robberies in 1843 brought things to a head.[16]

In addition to the seasonal ebb and flow of "gang robbery," another cycle became established in which bandit activity increased from endemic to epidemic proportions. In the words of the Bombay Governor:

> Where long impunity and a course of successful robbery has emboldened these gangs, the country falls into the state of disorganization;... persons and property are nowhere safe without a strong armed guard. The attention of Government is at length directed to the district, a force of regular troops is ordered out, special officers are appointed, and by dint of great exertion, the offers of large rewards and other most expensive expedients, some of the most notorious leaders are seized and punished. Their followers, terrified, are obliged for a time to remain quiet till they gradually learn that the vigilance of the Government authorities has relaxed and that they may resume their former habits with impunity.[17]

During 1844 and 1845 the Government again instituted extraordinary means to restore order. This time, however, the collusion of the Naikwari Police with several Koli gangs was too flagrant for the British to ignore, and they replaced this local police system with a force commanded by Europeans and staffed by men from beyond the *mavals*. In rapid succession the British suppressed three major gangs, deprived the Kolis of their most active and notorious leaders and removed the umbrella of protection which had allowed the gangs to thrive in the hills. Without this quasi-official network of support which provided the gangs with a constant flow of intelligence, provisions and help for their wounded, the hills never again produced gangs of such numbers. The proof of the effectiveness of the British suppression efforts of 1844/1845 is the relative calm which

characterized this region during the Mutiny/Rebellion of 1857.[18]

Although reduced in numbers from hundreds to tens, gang activity among the *mavals* continued. The rapid suppression of the gangs in 1844/1845 thoroughly discredited earlier assumptions that armed bands were the natural and effective tool of the politically ambitious or that successful band leaders could win concessions from the suzerain power.

II

Eric Hobsbawm has argued that while rural offenders may be condemned as outlaws by the state, their actions are viewed in a very different light by their own communities. Some peasant bandits are perceived by their people "as heroes, as champions, avengers, fighters for justice...and in any case as men to be admired, helped and supported."[19] This relationship between the ordinary peasant and the robber induced Hobsbawm to add the adjective "social" to the term bandit. While these men took to the hills, they retained distinct ties to their community and families. Portions of their loot were distributed among family members and sums of money were deposited for safekeeping with trusted village headmen. The bandits protected their relations against the exactions of the moneylender, the exploitation of the revenue peons and the harassment of the police. In exchange they received information, food and medical help. Their haunts remained in the vicinity of the villages they had left, and fellow gang members were usually recruited from the immediate locale of the leader's village.

The bandits of the *mavals* arose from a geographical refuge area and from among a people who occupied a vague position somewhere between the point where caste society breaks down and tribal society begins. Their distinctiveness and yet constant interaction with Deccan culture readily provided *mavali* bandits with the role of champions and avengers as opposed to the oppressors who hailed from beyond their homelands. Set off in such a fashion, bandit leaders active in this colonial situation conformed to Hobsbawm's ideal bandit--the "noble robber."[20] No replication of Robin Hood emerges from the police and court records of the Bombay Presidency, for he, as we know him, is the product of legend and not criminal investigations. But emerging during the 1844-1845 outbreak and appearing with great clarity in 1873 were Deccan bandits who embodied many of the characteristics of the noble robber.

Hobsbawm's archetypal noble robber embarks upon his life of crime because his behavior conflicts with the state's understanding of what is lawful. He only kills to uphold his honor or as an act of revenge and he invariably strikes back at the representatives of the larger political order which has victimized him or his people. His intitial "crime" is not regarded as such by the custom of his people but as an appropriate, even noble, act. Having been forced into outlawry by the local representatives of the state, he assumes, to a greater or lesser extent, the role of defender or surrogate settler of old scores. He rights wrongs; he harasses the peasants' oppressors; and he employs violence against his people only when it is justified: to extract ransom, in self-defense and for exacting justified vengeance. Because his deeds vicariously satisfy certain urges felt by the often victimized peasantry, the noble robber is "admired, helped, and supported by his people."[21] His exploits are recounted and exaggerated. He is seen everywhere but his presence is reported nowhere. While this aura remains intact, the noble robber possesses an invulnerability which protects him against the exertions of the police. His eventual capture or death results from betrayal by one of his former associates or by a trusted friend.

The commission investigating the 1875 Deccan Riots revealed that these sudden uprisings by the *kunbi* (peasant) cultivators of Indapur and Bhimthadi, Poona District, had been preceded by a related series of acts carried out by Koli bandits inhabiting the hilly tracts to the west. "The outrages were almost entirely perpetrated against the *sowkar* [moneylender] class, and, owing to the terror they created, a large tract of country enjoyed complete immunity from the exactions of Marwari creditors and their agents for many months."[22]

One year before these riots destroyed the calm of the Deccan proper, it was reported that relations between the Kolis and their local moneylenders [the Marwari *bania*] had "passed from the chronic struggle between thriftlessness and evasion of claims by the Colees [Kolis] and cunning enforcements of usurious demands by the local creditors in civil courts into a crisis of temporary exasperation."[23] Koli resistance to the moneylenders of the Poona *mavals* took the form of banditry. During a four-month period (November 1873 to February 1874), thirty-two violent crimes were reported. By April, thirty-eight bandits of a type who posed as peaceable cultivators duing the daylight hours had been seized. These sometime cultivators comprised three gangs operating out of three distinct villages among the Poona *mavals*.

During this time not one of the bandits who had absconded to the hills had been taken into custody. These outlaws, numbering about sixteen, were led by a Koli from a village in the Ambegaon Mahal named Honia Kenglia.[24] By the time an official proclamation was published announcing rewards for the capture of this gang, it had been active for over two years.

"Honia's gang," as the authorities called this band, remained at large until 1876. Few in number and unknown beyond their native hills, these bandits easily defied the efforts of the police to run them to the ground. When pressed, they hid their arms in the jungles and quickly went to the more populous areas of the Konkan to work as coolies. Their persecution of the moneylenders, although not exclusive, was persistent enough to create a feeling of admiration among the "large indebted portion of the population." As long as the bandits remained free to harass their creditors at will, the Marwari *banias* did not dare to venture into the hilly districts in order to collect their debts. One Bombay authority characterized the disturbance as "a Koli crusade against the Buniahs [banias] of which Honia is the crusading lion with no Buniah Saladin to oppose him."[25] Another observed that Koli banditry was "essentially the rebellion of a race against our system of civil procedure; Honya Naik is a national hero and champion."[26] In consequence of widespread feeling of sympathetic identification with Honia's gang, police measures resulted in the capture of only the peripheral robbers: those who rose to take advantage of the climate of panic Honia's name and seeming omnipresence created. The colonial authorities blamed their failures upon a "system of passive resistance and refusal of assistance" which united the Kolis against them. Before extraordinary police efforts were initiated in May of 1874, the bandits were fed and clothed by the villagers without objection. The authorities, on the other hand, were completely denied assistance of any kind. In all regards Honia fits the model of the "noble robber."

But Honia's gang had little chance of causing more than a momentary interruption in the inexorable progress of law under the colonial juggernaut. The moneylenders' panic invariably was preceded by the flight of all the revenue peons. An interruption of tax gathering could not be ignored, and since 1845, an infrastructure of police and communication networks had been developed to provide the colonial administration with the tools necessary to control banditry. Pressure on the village headmen deprived the bandits of their most effective support, and large rewards and

other inducements caused the villagers eventually to betray even the most popular robber. Social banditry could not survive the intrusion into the refuge areas of modern police organization and rapid communications.

III

Incidents of social banditry in nineteenth century Western India were not an aberration but the result of the conflict of contradictory assumptions. From the outset, the foreigners who governed the Deccan after 1819 predicated their decisions on a set of political assumptions not in consonance with local conditions. The European mind understood authority to reside at the political center: the state initiated all administrative decisions, retained the final voice in judicial review and wielded a monopoly of coercive force. This concept of the state, as several scholars have indicated, differed markedly from the South Asian notion. The traditional polities of India never held such centralized powers: functions were often dispersed and fragmented, residing in the hands of semi-autonomous local overlords, ambitious former state retainers, or regionally influential lineages.[27]

In the traditional system, although the central government was in evidence and its nominal sovereignty was accorded ritual recognition, there also existed numerous peripheral foci of political power whose influence grew as the distance from the center increased.[28] Those residing on the periphery emulated the splendor and symbolic prestige of the center while remaining ever eager to usurp the center's prerogatives and political power under favorable conditions. The more distant the contending foci were from the political center, either in terms of actual space or in terms of the inaccessibility of the terrain, the more likely these foci were to alter their allegiance, join forces with other centers, or dream of eventual prominence. What the British construed to be a unified policy actually behaved as a flexible and fluctuating pyramid of various foci of political power of decreasing extent and concentration. This configuration has been termed the "segmentary state."[29] Its components may resemble the administrative hierarchy of the Western or modern state (the "unitary state"). The difference between the two lies in the manner in which power and authority become alienated from the center if they are not constantly reaffirmed. To a degree not experienced in the unitary state, the roles of the center's principal figures

are repeated at successively lower levels.[30] This characteristic of the segmentary state is revealed in the quickness with which a successful robber chief adopts the style of a raja by utilizing the appropriate symbols of office and appointing the proper subordinate officers with titles found at court.[31]

Until the Peshwa fled his capital at Poona, indigenous assumptions held sway. Competition for political power was a legitimate activity. To fail in the struggle brought harsh punishment, but to make the attempt was honorable. Clever and successful leaders of armed bands invariably found patrons among the Poona elite who saw an advantage in having such daring men as their retainers. The British successor state changed the rules of the game (after initially demonstrating by pardoning Umiaji that they would abide by the old rules). Leaders of armed bands were pursued and punished as criminals and their supporters lost their highly valued titles and liens on the revenue.

Even as the political efficacy of the armed band was discredited, it proved to be an effective weapon against a new set of oppressors who arose under the protection of the foreign government: moneylenders, forest police, revenue peons and regular police enforcing new and restrictive laws.[32] This role of the armed band, as a recourse against the new forms of oppression which were extended to the Deccan *mavals* under the protection of the Bombay government, appeared as early as 1844. That year a notorious band leader threatened the magistrate of Ahmadnagar in the following words: "The peasants are generally distressed by the court and harassed by the moneylenders, and as I have dealt with them, so will I deal with you. I will also desolate the whole country. You will release the families of my Kolis; the women and children have committed no crime."[33] These are the words of a defender of his people directed at an official who was in a position to relieve some of the injustices they experienced at the hands of the courts, the moneylenders and the police. The author of this ultimatum was briefly a hero to the peoples of the *mavals*.

When in 1879 the Brahmin Vasudev Balvant Phadke sought staunch and resolute men-at-arms for his intended rebellion among the predatory tribes of the Poona *mavals*, he found the expectations of these villagers much changed. Rather than flocking to his banner, they urged him to forget the British and instead to attack a number of particulary avaricious moneylenders to whom they were all in debt.[34] Phadke learned that for the people of the *mavals* the armed band was no longer a political instrument; it had become a social one

by which the peoples of the hills could reap revenge on their non-Koli oppressors, or briefly halt the demands of the moneylender or the exactions of the tax-gatherer. Although the size of the bands was reduced in direct relation to the efficiency of the police system, social banditry of this sort continued well into the twentieth century.

CHAPTER THREE

CRIME AND CRIME CONTROL IN MADRAS, 1858-1947

David Arnold

For the historian of modern India the study of crime, criminality and crime control offers a double opportunity. Stored away in crime statistics and crime reports is some of the most valuable (and indeed often the only) information available to use about the behavior of the society's subordinate (or in Gramsci's terminology) subaltern classes. Although in many details crime statistics can be faulted, found inaccurate and inconsistent, they remain too important and informative a source to be neglected. With careful use they can provide us with basic information about the broad trends and fluctuations of crime patterns over the course of nearly a century. Correlated with other source materials, this data can contribute greatly to our appreciation of the factors that affected subaltern crime and collective violence. This is especially important in the Indian context. In the absence of a history of massive peasant rebellions, like China's, there has been too hasty an historiographical assumption of the inertia and passivity of India's masses. An investigation of crime, collective violence and popular protest can serve as a corrective to this widely held view.

At the same time, if one recognizes a subjective element in all definitions of crime and perceptions of criminality, it follows that the investigation of these issues will also provide us with insights into the nature of the elite (or hegemonic) classes and the character of their relations with subordinate classes. In a colonial situation like that of British India the position is a complex one. The colonial power was necessarily sensitive to a wide variety of forms of crime and collective violence that, implicitly or explicitly, might constitute a challenge to foreign rule. The regime was exceptionally dependent upon its police as an agency of both surveillance and coercion. And yet the re-

sources the regime was prepared to allocate to policing were restricted by a concern for the profitability of colonial exploitation and by a desire to interfere in indigenous society as little as was compatible with the maintenance of colonial interests and control. Colonial attitudes to crime and the mechanics of colonial law-enforcement were therefore subject to certain distortions. Certain forms of crime and violence received close attention: others, that in an autonomous society would have attracted greater administration concern, in a colonial situation were relatively little heeded.

This essay is divided into two parts. The first surveys data drawn from police reports on crime and collective violence for the Madras province between 1858 and 1947. From these materials some conclusions are offered about the major crime trends of the period and the factors that appear to influence them. In the second section the focus is on the police and their capacity to regulate crime in this period, and on the colonial regime's perceptions of criminality and of crime control priorities.

CRIME PATTERNS IN MADRAS

It may be helpful at the outset to establish a scale of comparison between Madras and other provinces of colonial India. In general the crime rate was lower there than in any other province. In 1919 Madras recorded 1.59 serious crimes per thousand head of population compared to 4.61 for the Central Provinces, 4.49 for Burma, 2.68 for the United Provinces and 2.37 for Bombay.[1] Although on a purely numerical basis Madras stood near the top of the list of dacoities committed at the beginning of the period (with 4,029 cases in 1864-1869, second only to Bengal's 4,047) even this left Madras in eighth position in terms of dacoities per head of population.[2] By 1923 Madras with 437 dacoities had fallen far behind the United Provinces (1,337) and Bengal (883) even in purely numerical terms. Only in the number of cattle thefts did Madras rival the United Province's high tally.[3] Unless a much larger proportion of crimes went unreported in Madras than elsewhere--which seems unlikely--these figures leave little room to doubt that Madras had a relatively low incidence of crime.

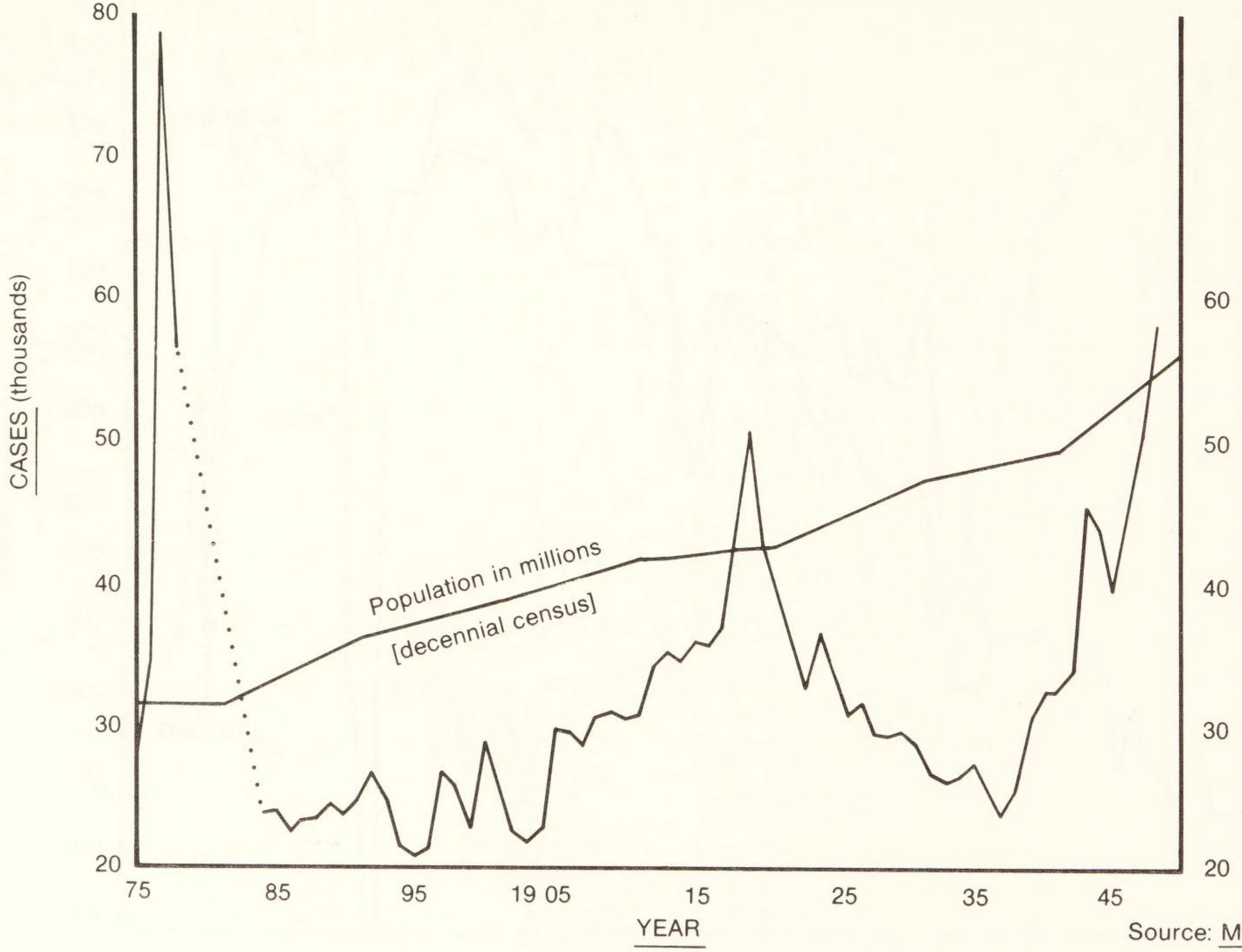
Between 1861 and 1951 the population of Madras more than doubled (2.15 times), increasing from roughly 26.5 million to 57 million. Over the same span of time crime statistics show an increase of the same magnitude: indeed if

we compare the number of "grave crimes" (i.e., murder, dacoity, robbery, housebreaking, theft and cattle theft) for 1875 (the first year for which detailed returns are available) with those for 1948, the overall increase is also 2.15 (27,116 to 58,259). But this neat doubling of crime and population conceals considerable fluctuations in the incidence of crime over the ninety-year period (see figure 1). Data for the pre-1870 years are too patchy to allow any detailed comparisons but available statistics tend to support the government's own belief that crime rates (especially for dacoity and robbery) were far higher in the first half of the nineteenth century than in the second. As figure 1 shows, fairly low levels of grave crime prevailed in the early 1870s and were maintained through to about 1905 (1895 = 20,897; 1903 = 21,794). Thereafter, crimes rose steadily, but sank during the 1920s and 1930s to levels almost as low as the troughs of the late nineteenth century (1937 = 23,770). Interspersed with these canyons were three distinct ridges of crime--an extraordinary peak in 1876-1878 (1877 = 79,127), and secondary ones in 1919-1920 (1919 = 50,754) and 1942-1947 (1947 = 50,109).

Because grave crime figures reflect the far higher incidence of theft, cattle theft and housebreaking, they conceal the movements of the less numerous, but more serious, crimes of murder, dacoity and robbery. (This can be seen by comparing the similarity between grave crimes plotted in Figure 1 and thefts in Figure 3). In the peak year of 1877, for example, theft, cattle theft and housebreaking together constituted 75,269 of the 79,127 grave crimes recorded (theft alone accounting for 37,061), while in the low year of 1895 there were 11,272 thefts, 6,130 housebreakings and 2,449 cattle thefts, but only 229 dacoities, 397 murders and 420 robberies.

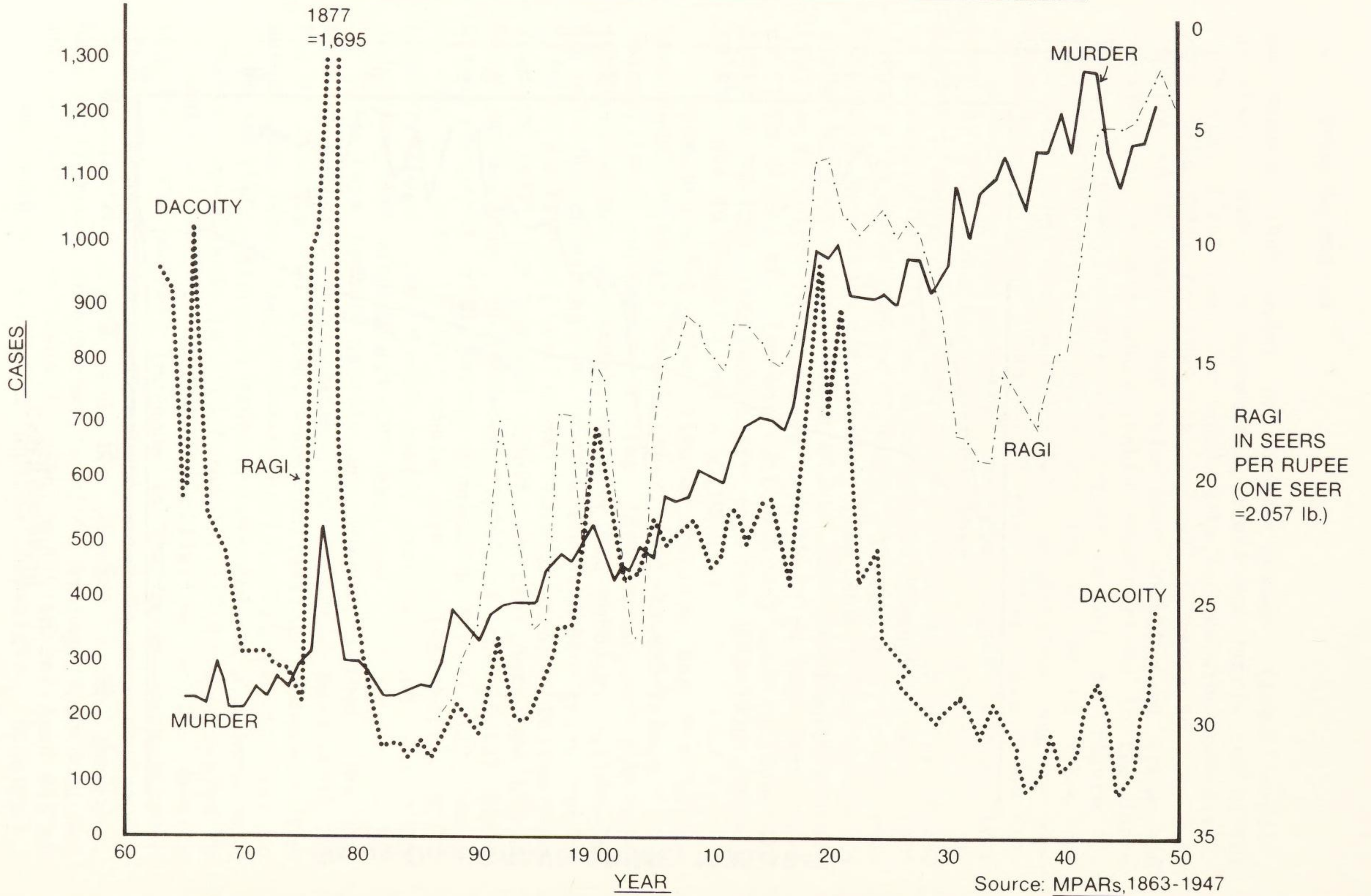
For this reason dacoity and murder, perhaps the two most significant grave crimes, are plotted separately in figure 2. The two crimes show contrasting patterns. The murder rate rose fairly consistently, from 236 in 1882 to 1,161 in 1947. Although fluctuations did occur (there were notable increases in 1876-1877 and 1916-1918) they tended to be small compared to the wild oscillations of the dacoity figures. The overall increase in the murder rate between 1865 (232) and 1947 is five-fold and thus more than twice the population growth and the general crime increase. Dacoity figures, by contrast, exhibit extreme fluctuations, with peaks of 1,025 cases in 1866, 1,695 in 1877 and 965 in 1919, but with a significant decline thereafter. Dacoity

Figure One: GRAVE CRIME, 1875-1947



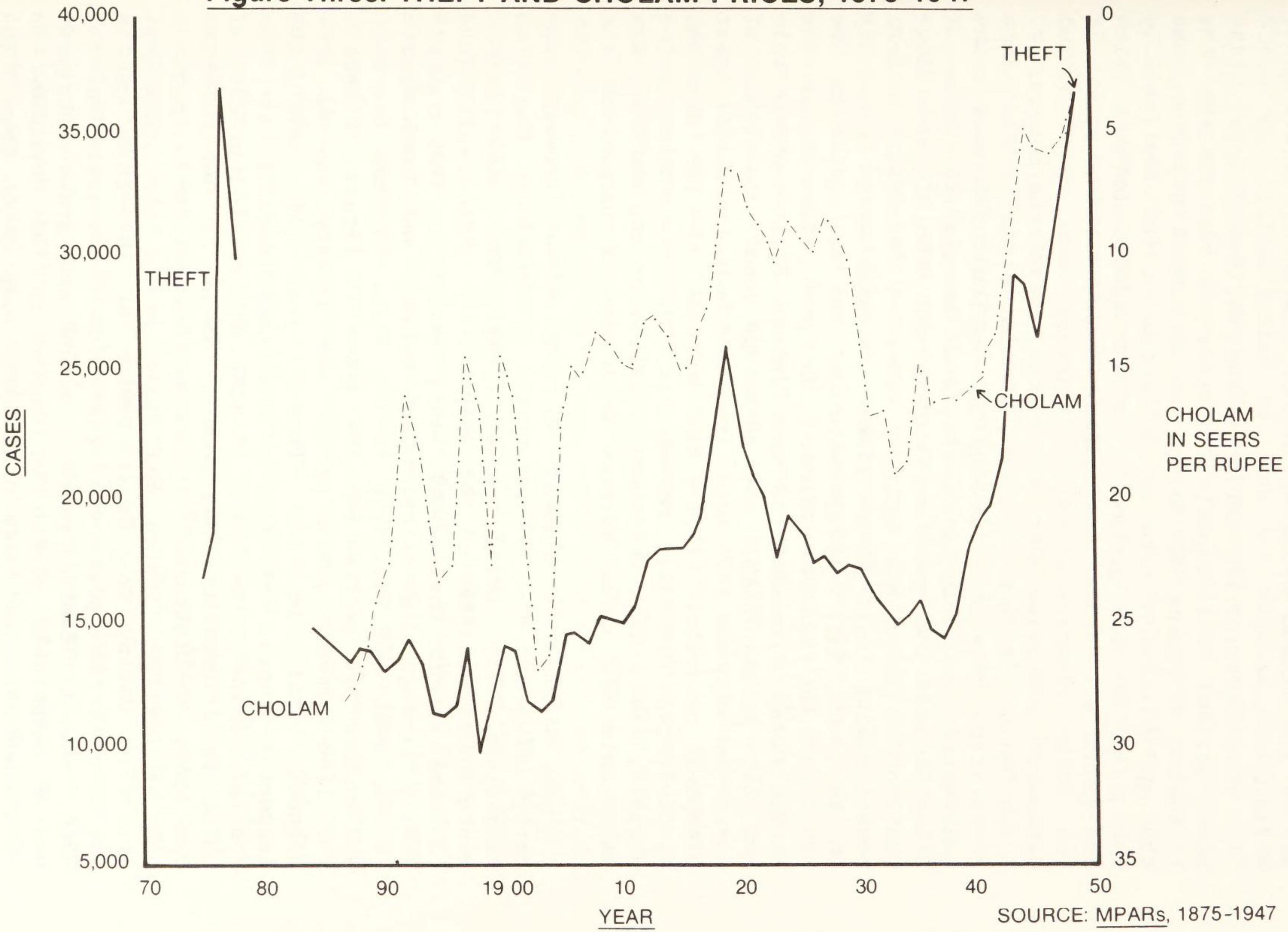
Source: MPARs, 1875-1947

Figure Two: MURDER, DACOITY AND RAGI PRICES, 1863-1947



Source: MPARs, 1863-1947

Figure Three: THEFT AND CHOLAM PRICES, 1875-1947



SOURCE: MPARs, 1875-1947

floored at 71 cases in 1937 before recovering weakly during the Second World War (1943 = 243) and after (1947 = 211).

What factors lay behind these various trends? The most obvious and important factor in determining the incidence of crime in Madras as in other provinces was the agricultural season as reflected in the availability and price of food grains. The correlation between crime and grain prices was so familiar throughout India that it was often remarked that food prices were the "natural barometer of crime" or that "the crime thermometer of India" went "up and down with its harvests."[4] The close correlation between crime and the agricultural season was manifested not only in variations in the incidence of crime between one year and another but also in the fluctuations within any given year. Dacoity, murder, housebreaking and other crimes occurred most frequently in the hot, dry, apprehensive months that preceded the onset of the monsoon rains. At such times there was little work to be done in the fields, food reserves were low but prices high, and advantage could be taken of doors and windows left open from the heat or of villagers sleeping outdoors. With the arrival of the monsoon, agricultural activity recommenced and the crime rates dropped. Only when the monsoon failed or the rainfall was inadequate did crime burgeon in the last quarter of the year.

In Madras the closest correlation was between property crime and the prices of the millets *ragi* (known as *mandua* in North India), *cholam (jowar)* and *cumbu (bajra)* since these constituted the staple diet of the rural (and to some extent the urban) poor, except in the predominantly rice-growing districts of Malabar and South Kanara in the west and Thanjavur in the east. Prices for *ragi* and *cholam* are plotted against crime in figures 2 and 3. The link between grain prices and dacoity was so pronounced that in the famine year of 1877 the Inspector-General of Police described dacoity as "the special famine crime," the greater or lesser incidence of which in a locality "was almost always a true index to the state of distress."[5] This observation is fully borne out by dacoity figures and grain prices for individual districts during the Great Famine of 1876-1878 and is reflected in the peaks of dacoity for those years and for 1866, another famine year. Famine and grain shortages had a comparable effect in Ganjam in the northeast in 1888 when recorded cases of dacoity rose to 56 from 3 the previous year.

The peak of dacoity and other grave crimes in the province in 1918-1919 sprang from more complex causes. There was little famine as such but wartime shortges of grain and other essential commodities, combined with problems of bulk transportation by land and sea, speculation and hoarding and a poor monsoon, caused a massive outbreak of food riots, looting and theft.[6] After 1919 dacoity and property crimes fell as prices retreated from their war time maximums: tumbling grain prices during the early Depression years (and the consequent relief low food costs gave to the poorest classes) may have been responsible for the exceptionally low levels of property crime recorded for the decade 1929-1939.

The timing, scale and purposefulness of famine-related crime and protest are evidence of the intensity of subaltern feelings and capacity for collective action in times of anticipated and acute distress. Food riots and looting had certainly occurred before the colonial period, but they may well have been increasing during the nineteenth century as a response to the expanding, speculative trade in grain and the erosion of traditional rural relations. Formerly, landlords and rich peasants distributed part of their grain reserves to dependent laborers and artisans in times of dearth, partly to retain their services in subsequent years, partly through the operation of what James C. Scott has termed a "moral economy" by which richer villagers recognized an obligation to assist the poor to maintain at least a minimal level of subsistence.[7] But as the more affluent villagers became increasingly involved in commercial grain production, and as the expanding population made the rural labor supply more plentiful, leading villagers became more reluctant to help the needy. At the same time, as more and more of the rural and urban poor became dependent on a money economy and the purchase of grain for their subsistence, they became increasingly more vulnerable to the fluctuations of grain prices and the availability of food stuffs in the bazaars.

From indignation at the violation of this "moral economy" and at the speculation and profiteering of grain traders, landless laborers, village artisans and poor peasants participated in food riots and looting to humiliate and punish the traders, to prevent the export of local grain and force down prices. In these the rioters were sometimes successful. Only subsequently, when conditions had further deteriorated, did individual acts of theft and violent crime by the hungry poor replace

collective looting. Even then crime retained an element of protest: unpopular moneylenders, landlords and traders were the main targets of attack, and the perpetrators were desperate and angry villagers rather than professional thieves and dacoits.[8]

Food prices and the agricultural seasons do not alone explain the fluctuations and long-term decline of dacoity. Of all the major crime categories used in this period by the colonial administration, dacoity was the least precise. Technically defined as robbery by five or more persons, it could encompass phenomena as diverse as famine looting, the armed depredations of professional bandits and the raiding and feuding of faction gangs. Famine-related crime swelled the dacoity totals in years of bad harvests and high prices, but after 1919 there were only minor incidents of this kind (in 1931, 1939 and 1946) and thus a primary cause of dacoity was absent.

For mid-nineteenth century administrators, however, dacoity was a crime quite different in character from pillaging by anxious and hungry villagers. It was identified with "torch-light dacoity," the "most heinous form of crime" according to the police inspector-general in 1865.[9] Lit by blazing brands, a gang of armed dacoits boldly and noisily burst into a village at night, seized and tortured traders and *ryots* into revealing where their money and jewels were hidden, raped, murdered and plundered. A crime so bold, violent and destructive was necessarily seen by the state as a danger not only to the security and prosperity of the rural propertied classes but also to its own authority and capacity to exercise effective control over the countryside. As will be seen later in this essay the provincial police force created in 1858-1859 was in large measure successful in suppressing this extreme form of dacoity.

In 1865, the Inspector-General of Police claimed that the "daring organisation which formerly distinguished these robberies" was "rapidly dying out." Attacks were now directed against "insecure houses in outlying hamlets, without the aggravating circumstances which used to attend the wholesale plunder and ruin of some wealthy merchant or family."[10] From more than a thousand in 1858, cases of "torch-light" dacoity had dropped to 72 by 1875.[11] But police effectiveness against dacoits may not have been the only factor involved. The improvements in roads, the construction of railways and the steady deforestation of the uplands of the province all left dacoits from the middle of the nineteenth century with fewer places to hide and with fewer easy pickings. Tighter controls also came to be exercised over

the zamindari estates and the borders with the princely states, both of which had formerly provided dacoits with convenient sanctuaries. Again, although the official definition of dacoity remained unchanged, police officers and magistrates showed increasing reluctance to classify as dacoity crimes that only technically fell within that category. With administrators, as much as with criminals, dacoity was passing out of fashion. Many crimes formerly categorized as dacoities now swelled the totals for the currently fashionable category of unlawful assemblies and riots. The shift was indicative not only of real changes in the character of crime in Madras but also of the regime's declining concern with rural banditry and growing alarm at urban conflict and political protests.

Dacoity was used, too, as a catch-all category for collective robbery and violence during revolts and rebellions. For this there was more than technical justification, for dacoity often occupied the ill-defined borderland between individual, localized crime and collective defiance of state authority. Dacoity of this kind might itself be stimulated by widespread economic and social unrest over such matters as famine, food shortages, tenancy grievances and onerous taxation and fed by rumors of the imminent collapse of the British Raj and the dawning of a longed-for millennium. Rather than label this dacoity "social banditry,"[12] it is more instructive to refer to the basic "ambiguity" or "ambivalence" of all crime.

Banditry and related crimes are seldom consciously motivated by a desire to protest against social injustice and political oppression, and yet given a highly charged situation, they are readily interpreted as gestures of defiance both by subaltern observers and by elites. Unless the police and magistracy act promptly to arrest dacoits, their actions can embolden others to defiance and lend weight to rumors of the imminent collapse of state power. I have examined the relationship between dacoity and rural rebellion in the context of risings in the hill tracts of the Godavari and Vishakhapatnam Agencies.[13] There is evidence of a similar interconnection in the Mappilla outbreaks in Malabar in the late nineteenth and early twentieth centuries. Mappillas preparing to become martyrs for their Islamic faith committed dacoities to acquire the means to support their families. Alternatively, Mappilla dacoits, realizing that their careers as criminals were about to be terminated by the police, adopted the religious attributes of the martyrs and prepared for a final act of defiance.[14] It was noted in 1933 that dacoity had been rare in Malabar

since 1897 "except as a precursor to or a concomitant of, a fanatical outbreak and the occurrence of a series of dacoities should always be taken as a warning of an impending outrage."[15] Rumors of the imminent collapse of British rule also had an influence on outbreaks of rebellious dacoity in Malabar. News of Turkey's entry into the First World War against Britain contributed to the atmosphere of unrest in which dacoities grew from 9 in 1914 to 22 in 1915 and helped spark the minor Mappilla outbreaks of 1915 and 1919. The brief bombardment of Madras city by the German battleship *Emden* in 1914 and the subsequent rumors of German victories and British defeats also reputedly stimulated dacoity in Malabar and in areas as distant as Ganjam in the northeast of the province.[16]

The incidence of rural rebellion can be traced in the dacoity figures plotted in figure 2. Two particular episodes stand out. The Rampa rebellion in 1879-1880 drove the dacoity figures for the three police districts of Godavari, Jaipur and Vishakhapatnam up from about a dozen cases to 96 in 1879 and 97 in 1880 (out of provincial totals of 432 and 315 respectively). The Malabar rebellion of 1921-1922 accounted for the leap in the districts' dacoities from 11 in 1920 to 254 in 1921 (out of the provincial total of 880) and 139 (out of 617) in 1922.

Dacoity figures, therefore, serve as a gauge by which to measure rural unrest: they exhibit a marked correlation with food prices (since dacoity statistics include looting and famine-related crime) and with more sustained rural disturbances and revolts. Statistics for other crimes provide indices of varying utility. Of the other grave crimes recorded, robbery, theft and housebreaking in general followed the trend of grain prices. Cattle theft did so less directly. Figures for this category reached a colossal peak in 1877 of 37,061 cases (perhaps because the police were too busy with famine-related crimes to keep professional cattle thieves in check). They followed some of the fluctuations of harvests and grain prices during the later decades of the nineteenth century and the early years of the twentieth. The Depression, however, did not result in as marked a decline in cattle thefts as in most other property crimes, but there was a peak in 1919 of 5,583 cases and a upward trend from 1939 (4,031) through 1947 (4,813). For reasons discussed in the second half of this paper, cattle thefts were grossly underreported and the figures recorded cannot be taken to represent more than a fraction of the total. The involvement of professional thieves in cattle rustling and the profitable market for hides during the war years

probably explain the high levels of cattle thefts during the two wars and the absence of any great decline in cattle thefts during the Depression.

The persistent rise in the murder rate was baffling to police officers at the time and no wholly satisfactory explanation can be found for it, though it is interesting to note that it was also characteristic of Bengal in the same period. Murder in India was traditionally identified with three kinds of disputes--over women, gold (and, one might add, jewelry) and land.[17] Figures compiled by successive police chiefs in Madras support this interpretation of the causes of murder. In 1900, 42 percent of murders reported in the province were attributed to sexual causes, 20 percent to disputes over land and other property rights, 4.5 percent to attempted theft of gold and jewelry from children, and only 5.5 percent were committed in the course of dacoities and burglaries. Of 1,092 murders in 1945, 277 were thought to be from sexual motives, 241 from family jealousies and animosities, 128 from factional conflicts: 57 were committed in connection with robberies.[18] Police inspector-generals saw a possible explanation for the apparent rise in the number of murders not in any change in the cause of murders but in the improvement in crime reporting. This seems an inadequate explanation for the steady and persistent rise in one particular form of crime especially as it is unmatched in others.

It was generally claimed that the murder rate was not affected by high prices and famine, and even that murder declined in hard years;[19] but the statistical evidence suggests a different conclusion. Murders rose significantly during the 1876-1878 famine (from 309 in 1876 to 538 in 1877 and 403 in 1878) and again in the high price years of 1918-1919 (893 and 982 respectively). Suicides and "accidental deaths" also rose steeply during 1876-1878.

Two further factors might lie behind the rising murder rate. The first of these can broadly be described as factionalism and social ascendancy. Murder was particularly common in such dry, interior districts as Coimbatore and Cuddapah. The dominant castes of these areas--the Gounders in Coimbatore, the Reddis in Cuddapah--used dacoity, arson and robbery as well as murder to humble their rivals and to assert control over less powerful members of their own and subordinate castes. These crimes were rarely carried out by the leading Gounders and Reddis themselves: they hired low-caste assassins and dacoits, members of "criminal tribes" and impoverished fellow castemen to perform the deeds and to run the risks of being caught and punished. Reporting on

the previous ten years' dacoity figures, the Inspector-General of Police claimed in 1876 that because improved administration had "placed the rich and the poor on a more equal footing than formerly in the maintenance of individual rights," dacoity had grown increasingly attractive as "an instrument in the hands of the rich against offensive neighbors."[20] The 1883 police administration report cited the case of a wealthy Coimbatore Gounder who hired a gang of low-caste cut-throats to "instil fear" into the mind of a Gounder *ryot* who refused to make the "gifts" demanded from him: they strangled his shepherd, hamstrung twenty cattle and set fire to his sheds and ricks of *ragi* straw. The 1888 and 1894 police reports carried similar accounts of members of the Kuravar "criminal tribe" hired by rich landlords to wreak vengeance on rivals and sheltered from justice by their Gounder patrons.[21] In Coimbatore the number of murders associated with this dual pursuit of social dominance and inter-elite rivalry appears to have been steadily increasing. Figures for the district rose from an annual average of 22.1 for the decade 1875-1884 and 60.2 for 1900-1909 to 133.6 in 1925-1934. One might therefore conclude that, in Coimbatore and districts like it, murders were increasing as traditional authority declined and factionalism intensified.

In the coastal rice-growing districts of the Kaveri and Krishna-Godavari deltas murder rates were generally lower in the nineteenth century than in the dry interior areas. This might reflect the tight control exercised over them by leading landlords like the *mirasidars* of Thanjavur. In the twentieth century, however, the incidence of murder in the wet areas began to rise sharply. Thanjavur registered an annual average of 23.8 murders for the decade 1920-1929, 32.0 for the quinquennium 1930-1934, rising to 45.0 in 1935-1939 and reaching 57.4 a year in 1944-1948. Behind this upward trend lay the increasing social and economic tension between landlords and tenants that erupted into violence, strikes and communist-directed agrarian agitation during the late 1930s and 1940s, and as a result of which there were victims on both sides.[22]

The great majority of crimes were committed where the bulk of the people lived--in the countryside. Separate urban data are available only for the provincial capital, Madras city, which was by far the largest urban center in the province (in 1931 Madurai, the nearest rival, had only 182,018 inhabitants to Madras' 674,230). The urban share of the provincial population rose slowly to 11.1 percent in 1901, then rather more rapidly in the 1930s and 1940s to

19.6 percent in 1951. By that date Madras city held 24.7 percent of the total population.

In 1881 4 murders were committed in Madras city: in 1931 there were 8 and in 1948 20. The provincial totals for the same years were 274, 1,103 and 1,233 and thus the city's share of murders ranged from 1.46 percent of the provincial total in 1881 to 0.73 in 1931 and back to 1.63 in 1948. On balance Madras city had relatively fewer murders than its proportion of the provincial population. Turning to recorded thefts, in 1891 Madras city had 1,032 (7.70 percent) out of the provincial total of 13,367: in 1948 the figures were 3,463 (9.38 percent) and 36,890. These would seem to indicate that while the murder rate was about average, or below, for the province, thefts were considerably higher. This might reflect the greater opportunity for theft in a large commercial city like Madras, but alternatively it might merely indicate the extent to which theft was underreported in the countryside and reporting far higher in the provincial capital with its larger number of policemen and police stations and its sizeable European population. There is insufficient evidence to prove that the city was more crime-prone than the countryside.

Where urbanization does seem to have a clear impact on crime statistics is in the figures for unlawful assembly and riot (see below, Table 1). Significantly, little importance was attached to these statistics in Madras until after the First World War when they began to be seen as an index of political, industrial and social unrest.[23]

Table 1

Unlawful Assembly and Riot, 1928-1947

Year	Number	Year	Number
1928	526	1938	672
1929	476	1939	703
1930	1407	1940	800
1931	647	1941	746
1932	739	1942	970
1933	732	1943	894
1934	660	1944	1043
1935	632	1945	1265
1936	622	1946	1315
1937	674	1947	1648

The figures, shown in table 1, do indeed follow closely the ebb and flow of popular agitation especially nationalist campaigns and industrial unrest. Gandhi's Salt March and the Civil Disobedience Movement organized by the Indian National Congress largely account for the peak in 1930 and the high levels recorded for 1932-1933. The revival of nationalist agitation after 1939 is also evident in the later figures. Labor agitation made its mark in a number of years including 1928 (the year of a major railroad strike), the late 1930s and the 1940s. Although the mid-1930s was a time of relative political quiescence in the province due to the Depression and the defeat of Civil Disobedience, the last years of British rule witnessed an escalating crisis in Madras (as in other parts of India[24]). To the problems of nationalist agitation and industrial unrest were added the difficulties created by soaring inflation after 1942, war-time shortages, invasion scares, massive smuggling and black marketeering. The statistics for unlawful assembly and riot give a strong indication of this deepening crisis after 1939, but equally almost all categories of crime rose to levels unparalleled (except very briefly in 1876-1877) since the 1850s.

Before turning to consider the police aspect, it is appropriate to conclude this section with some general observations on crime and collective violence in the province as revealed by the police statistics. While a large part of recorded crime was no doubt the work of professional thieves, robbers and dacoits, crime figures also register the activities and reactions of the subaltern classes generally. This is most apparent in the incidence of food riots, looting and famine-related crime and in the upsurges of dacoity that preceded and accompanied rural risings. It may also be present in other crime statistics, for example, in the rising murder rate. Overall the impression that emerges is that, far from being inert and passive, the subordinate population of south India responded, often violently, to sharply adverse conditions. Collective violence and what entered the record books as crime were among the responses most readily adopted by subalterns to express their grievances against others, to punish those they saw as exploiters, and, where possible, partly to redress the socioeconomic imbalance.

Over the period as a whole there appears to be a shift from banditry and other kinds of organized rural crime, notably "torchlight" dacoity, to predominantly urban demonstrations, strikes and riots. This may partly reflect changing colonial perceptions and concerns. But it seems

likely that there was a real change occurring as rural transportation improved and outlying areas of the province were more closely integrated into the colonial administrative and economic system, as towns grew and industry developed, and as modern forms of political organization and agitation made their appearance. Crime, along with other forms of protest and collective violence, changed as the society and economy changed.

COLONIAL POLICING

In order to assess the part the police played in controlling crime it is necessary to understand why the provincial constabulary was established in 1858-1859 and what functions it was expected to perform. Combating crime and protecting property were only part of the purpose for which the colonial police were designed. They were intended more generally to serve the developing needs of the colonial state and the colonial power--to replace troops in the suppression of local disturbances, to strengthen administrative control over the countryside and, in the contemporaneous phrase, to be the "eyes and ears" of an alien government ruling over a vast indigenous population. Administrators' alarm at high crime rates in the first half of the nineteenth century sprang less from concern for the security and well-being of the Indian propertied classes--though their loyalty and continuing capacity to yield revenue were significant underlying considerations--than from British concern for the security of the colonial regime and the safety of its European servants.

Although the Madras government rejected the military police model favored in Sind and the Punjab in the 1840s, it nevertheless derived its organizational blueprint from the paramilitary Irish Constabulary as much as from the unarmed constabulary of Sir Robert Peel's London Metropolitan Police. The Madras force was highly centralized, being directly subordinated to the provincial government through an inspector-general who had little independent authority over the department of which he was titular chief. Strict control at the provincial level by the Governor-in-Council was mirrored at the district level by the subordination of the police superintendent to the magistrate-collector. Colonialism in south India (as in Ireland) could not allow a semi-independent constabulary to develop or even one (as in England and Wales and in the United States) that was answerable to a local government authority. The police were

locked into the administrative structure of the colonial state like the iron bit in a carpenter's brace.

Again, unlike in England and Wales, there was no attempt in the Madras Presidency to create a single police organization that would reach from the provincial headquarters down to the villages. There were two main arguments for stopping the police short of the village level. One was financial. In the mid-1850s the Directors of the East India Company and the Government of India opposed any police reform that would cost more than the existing (and admittedly inadequate) arrangements: the Crown, when it took over in 1858, saw the creation of the police as a way of saving on military expenditure. Secondly, it was argued that the subordinate police were so inclined to corrupt and tyrannical methods that it was advisable to keep them away from the villagers as much as possible. According to the Indian Police Commission of 1860, policemen appointed from outside the local community, "scattered about the villages, and isolated from control, would be oppressive to the people." The 1902 Police Commission went further and specifically recommended that rural patrols should cease (where they had not already lapsed) and that in future constables should not be sent to villages to collect information needed for an investigation.[25]

The corollary to keeping the constables away from the villages was dependence upon the village headman and watchman *(talaiyari)* as the primary police agencies in the countryside. Previously neglected and ill-used by the British administration, in the second half of the nineteenth century the watchman was valued as being "a man of the village," who was "not enough of an official to be alien or obnoxious to the villagers, and enough of an official to be amenable to system and reliable for duty." Intimate knowledge of the village was thought to give the watchman an insight and influence no outside police agent could ever possess. He was extravagantly hailed by the 1860 Police Commissioners as "an indispensible link in the chain of administrative control over the people" and even as "in many respects the foundation of [the] police superstructure."[26]

It proved, from the viewpoint of the regular police, to be a shaky foundation. Without beat constables to patrol the villages, the headman (who doubled as village magistrate) was responsible for sending the watchman to the nearest police station to report a crime, and the headman's first report was the basis for all subsequent legal proceedings. Such reliance was open to abuse. The watchman, like other village menials, was often a virtual servant of the headman,

himself usually a *ryot* of wealth and local influence. The headman had interests of his own to advance and protect, and he might use his position to harass rivals or conceal his own misdemeanors. European police officers complained that many headmen were in league with dacoits and thieves, trading their protection for a share of the booty. Others they suspected of falsifying the records or, whether from incompetence or deliberate deceit, of obstructing police investigations.[27] A rift between the village police and the regular constabulary was inevitable, for the watchman and headman looked inwards to the village community while the constables looked outwards to the wider colonial polity.

Thus the gulf between the colonial police and the village remained vast, unbridged by any effective police institution. The problem was compounded by the relatively small size of the police force and its urban concentration. In the late 1850s it was thought desirable that the constabulary should follow the ratio of one policeman to a thousand people adopted in England in the County Police Act of 1839. With an estimated population of 22 million in the Madras Presidency, this called for a constabulary of 22,000. In fact, despite a rising population, police numbers barely reached that figure before 1900 and until the 1880s policemen were employed on a number of tasks outside their regular departmental duties, such as guarding salt depots or escorting prisoners. The police department, because of its size, was also a convenient target for government retrenchment, as in 1889 when 698 men were lost. By 1901, when the population stood at 38.65 million, police numbers totalled only 23,305 and the police ratio had shrunk to 1:1,720 overall, and in many rural areas to 1:2,500. On average there was only one police station for every fifty villages.[28] Following the reorganization of the force recommended by the Police Commission of 1902, the police strength in the Madras Presidency rose to over 30,000 but there was a contraction in the number of police stations from 1,604 to 888. Each station was now responsible for an area on average of 155 square miles.[29] With the rural constabulary so thinly spread, the police were more than ever dependent on the village headmen and watchmen. Police numbers peaked at 35,000 in 1917, but post-war retrenchment cut this figure back to less than 30,000. In 1935 there were 29,800 policemen, at a ratio of 1:1,635. From their low ebb on the eve of the Second World War, the Madras police underwent a massive expansion during the war to combat the rapid growth of crime, smuggling and political protest. From about 28,000 in 1938, numbers rose to 38,498 in 1942 and nearly

48,000 in 1948, a ratio of 1:1,358. Distribution of the police was not greatly altered, however; in 1948 there were 1,013 police stations and 294 outposts.[30]

In pursuit of its control priorities and to compensate for the paucity of troops in south India and the numerical weakness of the rural constabulary, the Madras government developed armed reserves and paramilitary units within the provincial police force. From the First World War onwards, these armed police detachments were in the front line of colonial control, being deployed against nationalist and later communist agitation, against labor strikes and unrest, and to suppress local riots and disturbances.[31] By the mid-1920s a sixth of the total provincial force (5,000 out of 30,000) were enrolled in the armed reserves and paramilitary corps (the Malabar Special Police and the East Coast Special Police). At the end of the Second World War roughly a quarter of the 40,000 policemen were under arms. There was, too, a corresponding increase in the coercive technology available to the police--the *lathis* (staffs) and carbines of the nineteenth century had been supplemented or replaced by army-surplus rifles and machine guns, armored vehicles and tear-gas squads.[32]

Much as Norman barons had once sought to control the Welsh marches from their garrison castles, the British in south India tried to enforce their authority over the countryside through an increasingly militarized and urban-based constabulary. Having dismissed the possibility of an essentially rural police force, dispersed and living close to the people, the Madras government retreated to the formation of all-purpose, well-armed, tightly disciplined police units stationed in the main administrative centers but available for the suppression of rural riots and insurrections as well as urban disturbances. As long as villagers paid their revenue and did not defy government authority, as long as crime did not mount to ungovernable levels, the provincial administration did not show any great concern at what happened in the villages.

The limitations of the colonial police as agents of crime control and reporting will be apparent from this brief description. The weak links between the village and the regular constabulary and the general absence of the police from the villages must have resulted in the non-reporting of a great deal of petty crime. It was often too far to go to a police station to report a theft or minor affray. Suspicious of the police and resentful of external interference and control in general, villagers tended to regard crimes and disturbances (especially those stemming from conflict

among themselves) as their own concern. There were, too, violent acts which many villagers differed from the statute books in not regarding as criminal offenses--the slaying of an unfaithful wife, the drowning of supposed witches, female infanticide and human sacrifices.

The non-reporting of crimes was also a pertinent comment on how villagers regarded the police and the administration generally. Police detection rates, for property crimes especially, were notoriously low (often under a third of all "true" cases) and the rate of recovery of stolen goods was even poorer. Discussing figures for the number of thefts recorded in Godavari district in 1902, the Inspector-General of Police remarked that the figures bore "no relation whatever" to the number actually committed "as the people in remote and thinly-populated tracts do not take the trouble to complain when they see no chance of recovery."[33] Police corruption, torture, incompetence and general high-handedness towards villagers were further reasons for avoiding the police as much as possible.

Most villagers, moreover, with good reason regarded the police as agents of external oppression and exploitation and not as impartial guardians of the law. The risings between 1860 and 1924 in the Gudem and Rampa hill tracts of the northeast demonstrated the clear identification the hillmen of the area made between the police, the immigrant traders and contractors from the plains who were taking over the local economy, and the feudal overlord or Mansabdar of Rampa until his expulsion in 1879. Not surprisingly, police stations and policemen were one of the main targets of subaltern revolt in Gudem-Rampa, in Malabar and other areas of persistent rural unrest. Seen as an evil in themselves, they were also hated as the protectors of other intruding and exploitative forces and as a symbol of the meddling, coercive state.[34]

Subordinate villagers identified the police, too, as the partisan agents of local elites. Wealthy *ryots* and headmen, landlords and members of dominant castes summoned the police to investigate crimes committed against them: they also used them to crush village dissent from their authority and to supplement and legitimate the coercive measures of their own hired thugs. The government disapproved, but it was a function inherited from the armed retainers of pre-colonial *poligars* (military chieftans) and petty rajas, a role police subordinates performed from deference to traditional authority or for personal gain. Senior officers were seldom on hand to prevent it. In one incident at the village of Palayar in Thanjavur in April

1938 the police helped the local *mirasidar* to intimidate Harijan (untouchable) laborers, who were protesting against their miserable terms of employment, and to protect blackleg field laborers from them. After spending the night as a guest at the *miradisar's* house, a sub-inspector went to the Harijans' hovels on the outskirts of the village to threaten them using the landlord's revolver. The Harijans retaliated by overpowering the sub-inspector and his constables, tying them up and beating them. This was a not uncommon response by subaltern villagers when they suddenly found themselves in a position of power over the police: uniforms were burned, weapons smashed; policemen were beaten, humiliated and sometimes killed. But this inversion could be no more than temporary. In the Palayar case, the police sub-inspector, in collusion with the *mirasidar,* concocted a false case against the Harijans and witnesses were found, through the *mirasidar's* influence, to uphold their version of the incident. Although the government discovered later what had actually happened, no case could be maintained against the *mirasidar* while the Harijans involved in the attack on the police were tried and imprisoned.[35] There must have been many similar cases in which the truth never reached the government and yet in which the police acted out a partisan role by giving support to local elites and helping them to maintain their control over village laborers, artisans and poor peasants.

Cattle thefts provide a striking illustration of the severe limitations of the police as agents of crime control and reporting. As in many other provinces of British India the detection and recovery of stolen cattle posed formidable problems for the police in Madras. J. C. Curry estimated that if only two or three percent of murders were unreported (a questionable statistic one might think) and ten to forty percent of thefts, as few as one in three or one in four cattle thefts were brought to the notice of the police. In Madras, as elsewhere, cattle were often stolen as a way of obtaining a ransom fee from the owner. Unless the *ryot* went to a known broker or intermediary and paid the ransom demanded for the return of the animals, he was unlikely to see them again. If he refused to cooperate and reported the theft to the police, he was likely not only to lose his cattle for good but also to be doubly afflicted by the harassment of the police and the retribution of the cattle thieves.[36]

Cattle theft in the southern districts of the province was particularly associated with the *kaval* system and the Maravar and Kallar castes. In the pre-colonial period

kavalkars had been the superior police agents of the region, receiving fees *(kaval)* for the protection they gave to villages in their allotted areas. By late eighteenth century the system appears to have decayed and the assertion of *kaval* rights was one of the devices by which *poligars* (military chieftans) sought to extend and maintain their power in the countryside. By British accounts the *kavalkars* had become blackmailers, extorting their fees under threat of arson, cattle theft and murder. The British tried to pension off the *kavalkars,* or, alternatively, to absorb them into their own police system. But so strong was the hold of the Maravars and Kallars over the southern Tamil districts that many of them declined to relinquish their *kaval* payments and the prestige that attached to them. Instead it was the regular police force that feared the *kavalkars* or sought their help in detecting crimes. Here lay yet another reason for the defective reporting and poor detection of rural crime. Although the British were fully aware of the scale on which the *kaval* system continued especially in Tirunelveli and Madurai districts they were not prepared to commit the enormous resources necessary to suppress it entirely.[37]

There were crimes, too, which, because of the priorities as well as the limitations of the colonial state, were not given much attention by the authorities. Sexual crimes, for example, went largely unheeded. Although rape appears frequently to have accompanied dacoity, it was not an aspect of crime to which the police attached much importance--nor were villagers keen to report it. Murder was treated as a serious crime, but it was again one that the authorities felt largely unable to prevent. Only the assassination of European officials caused great alarm. Indeed, the murder by a gang of Mappillas of Malabar's district magistrate in 1855 was one of the factors which prompted the formation of the provincial police three years later.

Of greatest concern to the colonial authorities were those forms of crime, violence and protest that threatened either the general security of property or, more especially, the colonial power's authority and control. Perceptions of which crimes and which criminals were most dangerous changed over time. In the mid-nineteenth century dacoity was adjudged the most dangerous crime. This was partly because, as we have seen, it was widespread and, as "torchlight" dacoity, took on a very menacing character. But it can also be seen as a southern extension of the campaign against thugi in northern India. Although the Madras Presidency had been free from thugs, the determination to search out and

eradicate all similar forms of crime encouraged the adoption of special measures against professional dacoits in Madras. Inspectors-general in the 1860s and 1870s wrote of the "battle against dacoity" and special inspectors were appointed to districts where dacoity was strongest. In Madurai, Inspector Pacensky was credited with reducing the number of dacoities in the district from 61 in 1867 and 52 in 1868 to 46 in 1874 (the year of his appointment) and 18 in 1875; 144 dacoits were convicted in this district alone in 1874-1875.[38] As pointed out earlier, other factors probably contributed to the long-term decline of dacoity in Madras, but the special attention it received from the police in the late nineteenth century must have hastened the demise of professional dacoity in its more violent and menacing forms.

Dacoity and *kavalkar* crime also alarmed the colonial regime because of the general insecurity of property they created and the challenge they explicitly or implicitly constituted to government authority. Dacoity neglected could, as we have seen, burgeon into wider outbreaks of rural revolt and anti-colonial resistance. Similarly, the colonial government saw the continuance of *kaval* as a potentially serious threat to its interests. It was, one police officer wrote in 1861, "incompatible with a just and enlightened administration." There might, he admitted, be great difficulty in reducing these "robber police" to "controllable limits," but "sooner or later, the difficulty must be faced and overcome."[39]

The stubborn persistence of *kaval* and the growing conviction of the police that certain castes and communities were "addicted" to grave crime were factors that lay behind the demand for more stringent measures for use against professional and "habitual" criminals. Here again the example of the rest of India was important as it had been with thugi and dacoity, for the introduction of Criminal Tribes legislation in other provinces stimulated the demand for its extension to Madras. This was finally achieved with the passing of the revised Criminal Tribes Act in 1911. The legislation, which remained in force until 1947, was directed most forcefully against the Piramalai Kallars of Madurai, one of the communities most notoriously involved in *kaval* and associated crime. Between 1914 and 1920 a large percentage of Piramalai males were brought under the Act, including its most restrictive clauses. By 1928, 36,000 Piramalais had been registered and, despite the granting of exemptions, the total had dropped no lower than 25,997 in 1945.[40] The colonial administration viewed the "Kallar Reclamation Scheme" as a generally successful attempt to

purge Kallars of their "criminality" but it was too expensive and problematic an experiment to be repeated on the same scale elsewhere. Outside of Madurai only small numbers of Maravars and other Kallar sub-castes were brought under the Act.

The Criminal Tribes Act was more than an attempt to root out crime. It was also a means by which to remold recalcitrant and, in the colonial view, unproductive communities into "useful" and law-abiding participants in the colonial economy. Kallars were induced to take up employment on tea and coffee estates, to work in textile factories, to weave, to become respectable peasant producers. The Act was used in similar fashion against other, smaller, communities--wandering gangs, nomadic petty traders and pastoralists, gypsy types, hill- and forest-dwelling tribals, in short, against a wide variety of marginals who did not conform to the colonial pattern of settled agriculture and wage labor. Paradoxically, the "criminality" of these peoples often stemmed from, or had been intensified by, economic changes associated with the inroads of colonialism itself--such as the decline of the salt trade, which had formerly provided many migrant petty traders with their main source of income, and the introduction of forest regulations that prohibited the shifting cultivation or harvesting of forest products hitherto practiced by forest-dwellers.[41] In cases such as these "crime" and "criminality" were convenient colonial pseudonyms for inconvenient or "unproductive" lifestyles: they provided crude justification for the implementation of far-reaching police measures to reshape and "reform" them.

Towns, too, were thought to harbor elements that were "dangerous" as well as "criminal." First among these were the "rowdies," "hooligans" and "riff-raff." Their precise composition was seldom made clear in colonial reports, but they seem to have consisted of unemployed youths and manual laborers and the more violent among urban casual, transport and sweated trades workers. Although this urban substratum is occasionally mentioned in riots and disturbances before 1900, they developed rapidly in the colonial perception of disorder and crime after that date with the development of nationalist and labor demonstrations. Thereafter they were repeatedly referred to as a highly volatile element always likely to erupt into violence whenever politicians and labor agitators foolishly allowed them an opportunity, sparking crowd violence and provoking conflict with the police. Hence their existence could be invoked by the authorities to justify tough measures against political opponents and to

discredit the non-violent tactics advocated by Gandhian nationalists. In Madras city, for example, they were held largely responsible for the stone-throwing and other violence that accompanied the food riots in September 1918, the nationalist protests against the visits of the Prince of Wales in January 1922 and the Indian Statutory Commission in February 1928,[42] during the Salt *Satyagraha* of April 1930 and several industrial disputes between 1900 and 1947.

At times the "riff-raff" and "hooligan" element merged, in the colonial mind, with the entire industrial proletariat to constitute one vast "dangerous class." As discussed elsewhere,[43] industrial workers in colonial India were inclined to resort to violence in self-defense and in support of their demands: this violence often spilled over into the surrounding streets and urban quarters. Like "rowdies," workers could have a dangerous magnifying effect. By their numbers and their propensity for violence they could transform a small and relatively insignificant middle-class political meeting into an unruly mass disturbance. The classic demonstration of this came in April 1930 when the arrival of thousands of millhands at a nationalist protest meeting on Madras beach created a fierce confrontation with the police which only subsided after the police had opened fire and killed three people.[44]

Against these urban "dangerous" elements the Criminal Tribes Act was inappropriate and the police had to devise other, more precise, methods of control. As the industrial proletariat grew in numbers and became more assertive so the police presence in working-class quarters was augmented with additional patrols, the building of new police stations and the formation of armed police squads. This policy was most evident in Madras city following food riots, political and labor unrest between 1918 and 1922, but it was paralleled in Madurai town in the early 1930s and in other urban centers subsequently. A policy of containment was also followed. Police tried to prevent the "riff-raff" and industrial workers from joining up with demonstrations and meetings in other parts of town. Finally, there was a resort to armed repression, with firearms and, from 1945, tear-gas being used to deter and disperse these elements.

The classification of whole sections of the indigenous population as "criminal tribes" or "dangerous classes" was not made at random: it was fundamental to colonial perceptions of control as they developed in the nineteenth and early twentieth centuries. Two reasons for this social categorization are immediately apparent. One was that as outsiders to Indian society and culture, the British (and

other Europeans) tended to see the population as divided into distinctive and virtually self-contained communities. Defined by race, religion, language, even by caste and sub-caste, these communal identities were held to explain not only patterns of social organization but also behavioral characteristics and personality traits.[45] It was thus thought possible to make sweeping generalizations about the "criminality" or "deviousness" of communities containing thousands, even millions, of people. On the assumption that communities were meaningful social and cultural entities, the colonial regime devised punishments and rewards that were communally defined and distributed. Punitive police forces, for example, were often imposed at the expense of entire communities (defined in terms of caste and religion primarily) because members of those groups were held responsible for the outbreak of rioting and other disturbances. Rewards--like the allocation of reserved appointments to the administration and seats in the provincial legislature, urban councils and rural local government boards--were similarly distributed on the basis of communal rather than individual need and eligibility.

A second reason for this social categorization was more pragmatic. Fully aware of the financial and military limitations to its power, the colonial regime saw the advantages of dividing the society over which it ruled into social blocks. For historical and sometimes highly subjective reasons, many of these social groupings were thought to be useful to the regime--the "martial races" category was a prime example of this as was the western-educated middle class, at least until the disillusionment of nationalism set in. From communities such as these the British expected to recruit their soldiers and clerks, to coopt the men of influence and wealth who would be their "collaborators" or intermediaries with the bulk of Indians. Conversely, other communities came to be categorized as "criminal" and "dangerous," needing to be isolated, coerced and punished, if necessary through the adoption of such special measures as the Criminal Tribes Act. Even for colonial administrators this crude sociology of control was not without its paradoxes and ambiguities. The bulk of Kallars and Maravars might fully qualify as "criminal" and "dangerous" and invite the application of those epithets to their entire castes. But at the same time, Maravar zamindars were coopted as loyalists and middlemen and the fiercest Kallar and Maravar youths were in demand at the army's recruiting depots. Nonetheless, leaving these complexities aside, the compartmentalization and categorization of indigenous society was

integral to the maintenance of colonial control. It facilitated the identification of friend and foe and enabled scarce colonial resources, including police manpower, to be concentrated on those sections of society that appeared to constitute the greatest threat to colonial interest.

CONCLUSION

In neither the indigenous subaltern nor the elite colonial view can crime be neatly separated from collective violence and protest. Crime statistics register, albeit often crudely, the nature, scale and incidence of popular unrest as well as the activities of professional criminals. As might be anticipated in a predominantly agrarian society, the primary factor behind the incidence of crime, collective violence and protest was the issue of subsistence as reflected in grain prices, food shortages and the speculation and hoarding of grain traders. But crime statistics, read alongside other information, also indicate subaltern reactions to changing landlord-tenant relations, to the inroads of the modern economy and to the oppression of the moneylenders and petty officials.

In seeking to control crime the colonial government essayed to preempt revolt. It saw that certain types of crime, particularly those involving collective action, could jeopardize its security and capacity for control and exploitation. To husband its resources of money and manpower, to maximize the effectiveness of its coercive agencies, especially the police, the colonial regime concentrated its attention on specific crimes and communities identified as inherently "criminal" and "dangerous." Where the state, through the police, chose to act it could be relatively successful--as against professional dacoity and in the reform of the "criminal tribes." Elsewhere, with forms of crime that were low in the list of colonial control priorities or which were thought to be too difficult or expensive to combat, the police had little impact. The crime control functions of the police were oriented more towards maintaining state power and promoting colonial interests than to safeguarding the lives and protecting the property of the indigenous population. In this the colonial police might be seen to be more partisan and selective than in most modern, autonomous societies.

CHAPTER FOUR

HUMAN SACRIFICE AND BRITISH-KOND RELATIONS, 1759-1862

Edith S. Brandstadter

The Konds and the British met for the first time during the Indian winter months of 1835-1836. The encounter took place in the hills of Ganjam District, the northernmost district of the Madras Presidency, during a British military campaign directed against the raja of Goomsur, his military retainers and his ax-brandishing Kond allies. The war ended in the following year with the raja's defeat and the establishment of direct Government control over the Goomsur zamindari. British administrative responsibility was thereby extended beyond the narrow coastal plain to the hills of Ganjam District, with portentous results for the Konds. Company Raj had arrived at the village gates of highland Orissa.

In the aftermath of the Goomsur War, local officials directed their attention toward the Kui speaking Konds, the most numerous and, seemingly, the most "barbarous" of the non-Hindu communities in this region. While British officers were in tribal territory, they had witnessed with horror the Kond practice of human sacrifice, a dramatic demonstration from the British perspective of the savage character of tribal life, placing the Konds beyond the pale of the civilized world.[1] Administrators from Madras to London, inflamed by the wave of evangelical fervor that had enveloped Britain at the turn of the century, were unanimous in calling for the suppression of the ritual which involved the purchase (or kidnapping) of child victims and the eventual burial of sacrifical flesh. The act of supplying victims to the Konds, the prerogative of Untouchable (Pan) intermediaries, was decreed a crime punishable by death, and in 1845 the Kond hills were placed under the administration of an independent Agency designed specifically to suppress the rite.

The purpose of this essay is to examine the legal and extra-legal channels utilized by the British to suppress the ritual of human sacrifice and to establish orderly government in the hills of Ganjam district during the period 1836-1862. The latter date is the year in which the Kond Agency was abolished. The following points will be stressed: (1) that British involvement with the Konds was not merely the result of reformist government policies but also of political processes which had been set in motion during the previous century, and (2) that during the period under study the aims of British administration in this region were achieved through the adoption of Hindu political forms and the reinforcement of regional socio-political structures. Certainly, the coercive power of the Raj was made evident, but force was rarely applied and even then British military tactics were in keeping with local patterns of warfare.

Both the Konds and the British attributed various meanings to the practice of human sacrifice. In doing so they acted within guidelines set by regional political expectations while generating new statements about historical processes. Nineteenth century ideologies were translated into action through the influence of long-standing, local and political concerns.

The historian, too, acts as both observer and participant, adding yet another level of interpretation while bound by the limitations of his sources. In the case in question, contemporary accounts--whether in English, Telegu, or Oriya --must be all the more carefully examined given the absence of written testimony from the Konds themselves. If approached with caution, recent anthropological studies serve as a valuable counterpoise to official reports. The latter are far from uniform, providing their own internal checks and balances.

Despite differences in culture and personality, all parties involved were well aware of the political conditions which had brought the British face to face with the Konds. This chapter will therefore begin with a brief examination of the formative years of British administration in the region under study.

GANJAM DISTRICT, 1759 TO 1837

The Northern Circars (districts), of which Ganjam formed a part, comprised the first Indian province over which the British claimed complete administrative control. Their rule over this coastal region began in 1759 after a decade

of warfare with the French and their Mughal allies. In 1765 the Northern Circars were formally granted to the British by the Mughal emperor's *farman* (patent), although it was not until 1766 that the Nizam of Hyderabad actually ceded the territory to the Company. According to James Grant's "Political Survey of the Northern Circars," submitted to Government in 1786, Ganjam District represented the most northerly of the two subdivisions of the former Cicacole Circar.[2]

The political boundaries of the district were established in 1802 along lines that remained unchanged for the remainder of the century. Lying in the extreme northeast of the Madras Presidency, Ganjam was bounded on the north by the Tributary States of Nayagarh, Daspalla and Baudh (eighteenth century: Nyagur, Daspala, Boad) all in the Bengal Presidency; on the east by the Bengal district of Puri and the Bay of Bengal; on the west by the States of Kalahandi and Patna of the Central Provinces; and in the southwest by the Vizagapatam District of the Madras Presidency, with the Nagavali River (eighteenth century: Langulya) marking the southern border. On the western edge of the narrow coastal plain lay the foothills of the Eastern Ghats, a broad expanse of impenetrable forests pierced by steep gorges and dotted with fertile valleys. These hills, together with the central ridges and plateaus of the Ghats, had served for centuries as a refuge for those fleeing the power of the State, whether Muslim, French or English. Extremes of climate and terrain, the remoteness of the territory and the rebelliousness of local rajas had made Ganjam a traditional frontier.

When the first English administrator of the district accepted his appointment in 1768, the territory, aside from the coastal *haveli* (Government) lands was divided into the holdings of at least nineteen rajas who claimed descent from the Gajapati kings of Orissa.[3] With the aid of an agricultural soldiery called *paiks,* who held lands on tenure of military service, the ancestors of these rajas had secured their kingdom against the incursions of neighboring chieftains and the forces sent by the Orissan monarch and, later, by the Muslims (1569-1753) and the French (1753-1759). By the time of British administration, two cultural zones had slowly evolved, one represented by the Telegu and Oriya speaking plainsmen, and the other by the Kui speaking Kond population of the hills.

The cultural boundary between these zones, however, was not as sharply outlined as British conjecture and local legend claimed it was. Certainly there is evidence that by

the nineteenth century a social gradient had come to exist between Hindu and tribal societies, with the more self-consciously "Hinduized" tribesmen living in proximity to centers of trade or at the outskirts of lowland Hindu communities.[4] The most active zone of cultural interaction lay alongside the trade routes which followed the Mahanadi River and linked the Nagpur plateau with commercial and religious centers on the coast. Itinerant Banjara traders traveled these routes, their bullocks laden with cotton from the interior and, on the return journey, salt from coastal markets.

Until the 1830s, however, the Kond hills had remained outside the sphere of immediate British jurisdiction which had barely extended beyond the confines of the Ganjam District headquarters. A variety of factors were responsible for weakening its local administration. Of chief importance were: (1) unfamiliarity with the territory and its inhabitants, (2) extremes of climate and terrain, (3) insufficient financial and military support from Madras and (4) corruption in government.[5]

Protracted war with Mysore between 1767 and 1799, and a resultant shortage of funds for the northern districts of the Presidency, together with central directives proscribing direct military intervention in cases of revenue default, had led Madras to deny both monetary and military aid to the troubled district. As a result, local British administrative remedies, although applied continuously for nearly eight years, had failed to win the allegiance of Ganjam's zamindars (landholders). Even the introduction in 1804 of the Bengal Permanent Settlement[6] had failed to put a damper on zamindari rebellion.

The climax of this turbulent period came in the 1830s, coincident with changes in administrative policy. A new assertiveness had come to characterize Company administration in India since the time of Arthur Wellesley's conquests on the subcontinent and William Wilberforce's "conquests" at home. However, the application of administrative directives in the Indian provinces, particularly in the more remote areas, rarely kept pace with the decision-making trends of central administrative bodies.

As a result, it was only with the Goomsur uprising of 1835 that Madras sent forth to the district a command to cause "an impression which it is hoped will be of permanent efficiency in restraining excesses such as those by which this part of the country has been lately disturbed..."[7] No longer would Ganjam's zamindars be permitted to consider their own authority sacrosanct.

The Goomsur War began in 1835 with the familiar theme of revenue default and ended, after a protracted campaign in the Kond hills, with Government taking control of the zamindari. By the close of the war in 1837, the raja was presumed dead and thirty-two of his supporters, Kond and Hindu hill chieftains, had been tried by court martial. All but three were summarily executed and replaced by men presumed loyal to Government.[8] "Hence we were in a favorable position," gloated one administrator, "as these men had seen and felt our strength and power, and were likely to render us substantial service."[9] With the assistance of these Hindu intermediaries, local officials opened communications with the tribal population of the hills.

While fighting in Kond territory, British officers had stumbled upon a problem of far greater magnitude than any that had previously required the attention of local authorities: the Kond ritual of human sacrifice. The practice appeared so offensive to district officials they immediately recommended its suppression in the territory now directly administered by Government. Madras concurred, and from 1837 until 1862, four military officers holding administrative appointments in the district traversed the Orissan hills in direct communication with the Konds. Their reports, together with Kond mythology, form the primary sources upon which the following discussion is based.

THE KONDS

At the time of the Goomsur War, Kond territory stretched from the zamindari of Angul, lying north of the Mahanadi, to the Godaveri in the south and the zamindaris of Patna and Kalahandi in the northwest. Uniformity of language and culture defined the contours of tribal society. With certain differences of dialect, the Dravidian language, Kui, was spoken by all tribal members throughout the Orissan hills.[10]

Tribal and Hindu villages shared the foothills of the Eastern Ghats. Every Kond village housed at its boundary certain low ranking Hindu castes, with each of these communities--the Pans (weavers), Loharas (ironsmiths), Komaros (potters), Gollas (herdsmen), and Sondis (distillers)--serving through its ascribed occupation as a neutralizing buffer between disparate cultural zones. The Konds rarely descended from the hills to participate in the bartering of the marketplace, preferring instead to sell the surplus produce of the hills to their Hindu neighbors who acted on their

behalf. Portrayed in British reports as aloof and proud, despite their gradual adoption of certain Hindu cultural forms, the Konds of Goomsur "delighted" in asserting their superiority over the Telegu and Oriya cultures of the plains: Konds revered their parents, Hindus did not; Konds were "men of one word," Hindus were not; Konds were "one as a race," Hindus were "endlessly subdivided."[11]

Responsibility for defending the clan subdivisions of the tribe against disruptive, internal disputes and the threat of external invasion was vested in a hierarchy of tribal leaders *(abbayas)* drawn from specific lineages and acting under the guidance of Kond priests and tribal councils. Positions of leadership coincided with clan boundaries ranging from the village, to the village cluster or "branch," to the clan territory and, finally the clan cluster or federation. While theoretically hereditary, the position of *abbaya* was frequently filled by the most capable contender, rather than the designated successor in the line of descent. According to British reports, strict hereditary order tended to be followed at the lower socio-political levels, with competency held as a crucial element in filling the position of federal patriarch.

As "first among equals," the *abbayas* were protectors more than rulers, the embodiment of the prescriptive norms of the tribe. They could not levy tribute nor were they protected by a body of military supporters. As the arbitrators of disputes and, at the broadest levels of authority, as the representatives of the Konds at the courts of the Hindu rajas in the plains, they claimed as their major honor within tribal society a place of dignity at public and private festivals.[12]

Under pressure from external political forces, the Konds had adapted their own political institutions to meet the demands of the dominant Hindu culture of the plains.[13] In the Kond hills of nineteenth-century Orissa, the jurisdiction of tribal leaders was shared with Hindu chieftains *(bissois, maliks, naiks)* holding territory as the administrative or military subordinates of the local zamindar.[14] During the period under study, Kond and Hindu political structures were, in essence, substructures of a single, overarching system then in flux. British confusion about the relationship of these overlapping forms of government was but a reflection of the instability of regional, political institutions. Under these stressful conditions, it was through the *abbaya* as leader in war and in sacrifice that clan loyalties were reinforced and tribal identity maintained.

The human sacrifice was performed under several circumstances--annually as part of the agricultural cycle, in times of natural disaster, and, in a more localized context, in response to familial misfortune.[15] There are hints in British reports that the participants in any given sacrifice were drawn from within clan territory, with village representatives often traveling great distances to the site of the ceremony.

Victims were procured from the lowlands and less frequently from the hills by Untouchable (Pan) intermediaries serving on behalf of the *abbaya*. It was the *abbaya* who bought the victims from the Pans and, if the captives were adults, kept them in fetters until the time of their sacrifice. The acquisition of victims did not necessarily coincide with any immediate need. Indeed, victim children were regarded as "consecrated beings" and, consequently, allowed to wander freely from house to house, often being reared to adulthood. The cost for any given sacrifice was high, with the price of the victim varying from fifty to one hundred "lives," measured in the form of movable property--buffaloes, brass pots, cloth and so on. In times of famine or epidemic the price dropped radically in inverse proportion to the increase in the supply of victims.

While all official calculations must be interpreted carefully, evidence suggests that large numbers of victims were sacrificed each year and that in the period under study, many of these were Konds, a result of famine following the Goomsur War (1836-1839) and British prosecution of intermediaries operating in the plains.[16] Although precise figures do not exist for the total number of victims sacrificed annually in the Kond hills, some estimates are available. In 1843 it was reported that thirty-four victims were sacrificed in the months of January and February, the annual sacrificial season, in the hill *mutha* (administrative unit) of Mahasingi in the Chinna Kimedi zamindari.[17] With the hill population of Chinna Kimedi estimated at forty-six thousand for the year 1881, and an average population of twenty-eight hundred per hill *mutha*,[18] it appears that in the sacrificial season of 1843, the number of victims sacrificed represented approximately one percent of the surrounding population. British reports further estimated that two hundred and forty victims out of a total hill population of approximately one hundred thousand were sacrificed in Ganjam's forty hill *muthas* on the full moon night of January 8, 1841, alone.[19]

Administrative records for the period 1838 to 1853 provide data concerning the sex and age of 1,432 victims res-

cued during this period.[20] Apparently either sex was acceptable for the fulfillment of the ritual. Of the victims rescued between 1838 and 1843, and between 1845 and 1853, fifty-four percent and fifty-two percent, respectively, were females. And of the 127 victims rescued by MacPherson up to 1843, forty-seven percent of the males and sixty-seven percent of the females were Konds. With most of the victims below the age of ten, and given the presence of famine in the district, these figures suggest that the sacrifice may have served, during times of duress, as an elaborate form of female infanticide for the sacrificial clans, which normally eschewed the practice.

Few of the rescued victims were under five or above fourteen years of age. Of the above-mentioned 127 victims, five percent were five years old or less, sixty percent were between five and ten years of age, twenty-four percent between ten and fourteen years of age, and eleven percent over fourteen years of age. The fact that the Konds sacrificed adult victims immediately after purchase would account for their small numbers in the pool of rescued victims. Moreover, the Konds preferred to buy children and rear them for sacrifice as adults. It would appear that the child victim, feasted, fattened and adored, was a common feature of the Kond village community. Indeed, with these children acquired without regard to immediate need, the process of sacrifice, which included the purchase and rearing of victims as well as the actual sacrificial ceremony, was an ever-present part of tribal existence.

For the Konds the sacrifice itself was a time of drunken revelry, of direct communication with the regenerative forces of the Earth. Essential elements in the sacrificial ritual remained unvaried throughout the Orissan hills. In brief, the sacrifice culminated with the assembled Konds axing an intoxicated victim to death and immediately thereafter dashing off to their home villages with a bit of consecrated flesh. The prize was then divided by the *abbaya* and distributed among the householders of the village who planted these shares in their respective fields. At the sacrificial site, the remains of the victim were placed on a pyre by the officiating priest and attendant *abbayas,* and the ashes scattered over the surrounding fields. On the fourth day after the completion of village burial rites, a buffalo was sacrificed and eaten by the reassembled village representatives, marking the close of the sacrificial ceremony. There is no evidence of cannibalism in British reports or Kond mythology.

The ritual contained several common structural components, although there were regional variations in details.

Kond oral tradition, as recorded in the nineteenth century, recognized in the propitiatory sacrificial act the power both to control the destructive forces of nature and to regenerate the Kond social order following times of crisis. Tribal myths of creation, for example, pointed to the human sacrifice as the means through which warfare was first brought under control and exogamous (intra-clan) relations defined.[21] Further, with animal sacrifices a prerequisite for the resolution of interclan disputes,[22] the buffalo sacrificed following the burial of human flesh offered an additional statement about the sanctity of the clan and the protection afforded its members through the performances of human sacrifice.

While reinforcing clan loyalties, the ritual of human sacrifice also appears to have symbolized the distinctiveness of tribal society, despite actual ambiguities in Kond-Hindu relations. The very opposition of victim and sacrificer reminded clan members of their special status beyond the jurisdiction of non-tribal society. This polarity was reinforced through a formalized and highly didactic dialogue, performed just prior to the climax of the ceremony, between the Kond priest and an impersonator of the victim. Myths recounted through this dialogue served, in part, to legitimize the ultimate sacrificial act. The assembled clansmen were reminded, for example, that at the time of the first human sacrifice

> Umbally Bylee went to cut vegetables with a hook. She cut her finger. The earth was soft mud, but when the blood-drops fell it became firm. She said, "Behold the good change. Cut up my body to complete it." The people answered, "If we spill our own blood we shall have no descendants. We will obtain victims elsewhere."[23]

The social order of the victim was, in effect, transformed through the sacrificial dialogue. Through their impersonators, all such captives, regardless of their social origins, were assigned the role of foreigner. And through the symbolic language of the ritual, the human sacrifice became, in part, a metaphor linking actual social processes with normative social structures and beliefs.[24]

Yet numerous meanings or "messages" are identifiable within the sacrificial ritual. Through these the sacrifice defined and, in times of crisis, helped to reestablish the appropriate relations of gods and men, of intra-tribal kin territories, and, finally, of tribal communities with the non-tribal world.

Other relationships were recognized by the British who linked tribal rituals to those of an earlier evolutionary phase of Western society. An evaluation of the methods used by the British to suppress the ritual of human sacrifice and concomitantly, to place the Konds under the protective umbrella of the Company Raj follows below.

THE BRITISH RESPONSE: 1837 TO 1863

The Goomsur War ushered in a new phase of district administration as the political tolerance that had characterized eighteenth-century British administration was replaced at both provincial and central levels by a more assertive style of government. As a result, efforts to control the more powerful of Ganjam's ruling elite now moved toward fruition, after nearly eighty years of Company Raj in the Northern Circars.

By the close of the Goomsur War in 1837, the Madras Presidency had acquired a new *taluk* (a subdivision of a district) and with it direct administrative responsibility over the tribal population of the Goomsur hills. Following the submission of reports on the disturbances in Goomsur, the Madras and Bengal governments agreed that measures should immediately be adopted for the elimination of human sacrifice in the newly acquired Kond territories.

The narrative of subsequent events can be reconstructed from several contemporary accounts. The primary cast of characters was as follows: In Ganjam, Captain John Campbell, who had served in the Goomsur War, was assigned the post of principal assistant to the collector in 1839. In 1841, Campbell was called to China and replaced by Captain Samuel MacPherson, who acted as principal assistant until 1845, at which time he became the chief administrator of the newly established Kond Agency under the direct authority of the governor-general. Removed on charges of administrative incompetence in 1846 following a major Kond uprising (and later acquitted of all charges), MacPherson was succeeded, in turn, by Campbell (1847-1848, 1851-1854), Captain MacViccar (1855), and Lieutenant Macneil (1855-1862).[25] All of them were military officers acting in an administrative capacity. They traversed the hills annually, ascending the Ghats in November and remaining until March, the Kond sacrificial season, and the only time of the year when the climate in the hills was tolerable to plains-dweller and British alike.

In the initial years after the war, reports submitted by Campbell, Lieutenant Hill (Campbell's assistant) and

Richard Bannerman (the collector), urged that peaceful means be found for suppressing the ritual, stressing that coercion would be both futile and hazardous. The Konds were in a state of agitation, the climate unhealthy, and the terrain too vast and rugged to subdue with limited resources and troops. They also argued that charges of criminal activity should be levied against only the Pan intermediaries as the least volatile of the parties involved. In his minute of January 10, 1841, Lord Elphinstone, Governor of Madras, expressed the view that "a law denouncing human sacrifices, and providing for the punishment of persons engaged therein, would, as a general measure, prove abortive and involve a compromise of character which should not be hazarded."[26] The Court of Directors concurred: "Whatever circumstances may justify or recommend a lenient course of proceeding towards the Konds themselves, no palliative considerations can apply to the case of individuals who may be detected in the horrible trade of supplying victims for the sacrifice."[27] Although in moral terms the pool of offenders included the entire sacrificing population of the Orissan hills, pragmatic considerations determined the legal parameters of the criminal offense.

With the criminal act thus circumscribed, Madras passed legislation in 1839 which established the judicial and administrative powers of district officials. Madras Regulation 24 of 1839 stated that within specifically mentioned territories (zamindaris) in the districts of Ganjam and Vizagapatam

> the operation of the rules of justice, as well as those for the collection of the revenue, shall cease to have effect...the administration of civil and criminal justice, including the superintendence of the police, and the collection and superintendence of the revenues of every description...shall be vested in the collector[s] of Ganjam and...Vizagapatam, and shall be exercized by them respectively as agents to the Governor of Fort St. George.[28]

The collector's judicial powers were not made unlimited, however. The governor-in-council at Madras was to be held responsible for determining whether the decisions of the collector in civil suits and criminal trials were final or would have to be submitted to the supreme civil and criminal courts of appeal, the *Sadr-adalat* and *Faujdari-adalat*, respectively. In effect, the collectors of Ganjam and Vizagapatam were to act as intermediary courts of appeal,

thereby removing from the jurisdiction of the Circuit and Provincial Courts of Appeal the territories specifically mentioned in the Regulations. Finally, the collectors were required to act as chief magistrates of their respective districts.[29]

From the perspective of the district officers in Ganjam, the Regulation of 1839 was far from satisfactory. One of their complaints was that although Kond territory lay within both the Madras and Bengal Presidencies, the Regulation failed to coordinate the activities of district administrators operating on either side of the border. As a result, the Konds in Goomsur, while promising to give up the practice of human sacrifice, continued to procure flesh from Baudh (in Bengal). Further, with the collector acting as a circuit court of appeal, his judicial powers were restricted, like the criminal courts of the Madras Presidency, by the conventions of Muslim law.

According to Madras Regulation 15 of 1803, the decision of Muslim law officers in cases pertaining to "heinous crimes in a high degree injurious to society, and particularly for repeated offences of this description" were "often governed by a consideration of the degree of proof against the party accused, rather than the degree of guilt and criminality of the act established against him." Consequently, the penalties awarded by Muslim law officers were often inadequate "to the heinousness of the offence of which the prisoner is convicted."[30] In extraordinary situations such as that confronting local authorities in Ganjam, the likelihood of establishing sufficient proof of guilt appeared slight.

Not surprisingly, local administrators were unanimous in calling for the broadening of the collector's judicial powers. Collector Bannerman, for example, demanded the power of summary jurisdiction be granted a special commissioner for Kond affairs "in the same manner as cases of Thuggee." "The person chosen as the special commissioner," he explained, "should be given the power to inflict corporal punishment on the spot against a kidnapper without reference to any other authority and to add imprisonment with hard labor for a moderate period. Kidnapping by force for fraud should be more severely dealt with than cases where the child is sold with full consent of his parents."[31]

MacPherson identified five classes of intermediaries, consisting of the Konds and Pans of both hills and plains and the parents of the victims, and called for summary powers to be granted the collector and his assistant in the trial of *Hindu* procurers and sellers of children. Since the latter, in MacPherson's opinion, were often unaware of the

sacrificial end to which their children were destined, the judge, according to this scheme, should be allowed discretion in determining their guilt. Procurers, however, should "invariably" be punished by transportation for life. Again, reference was made to the "case of thuggee."[32]

In response to the above demands, Act 21 was passed by the governor-general-in-council on September 13, 1845,[33] establishing the office of Agent for Suppression of Meriah (Oriya term for sacrificial victim) Sacrifices with administrative control over Kond territories in the Bengal districts of Ganjam, Vizagapatam and Rajamundry. Instructions to the agent were to be handed down from the Government of India through the respective governments of Madras and Bengal.

The Act resolved certain administrative discrepancies while creating fresh areas for conflict. Although measures to be pursued in the Kond territories of the Bengal and Madras presidencies were now coordinated under the authority of a single agent, the fact that the agent was of a status higher than that of the collector, and that the first such agent, MacPherson, was formerly an assistant to the collector in Ganjam, aroused the jealousies of MacPherson's administrative rivals. Further, the Act did not give unlimited judicial authority to the agent and his assistants. The governor-general was to determine whether the decision of the agent was final or whether an appeal would have to be presented in Calcutta to the supreme "Sudder Court."

The principal assistants who served under the collector from 1839 until 1845, and the agents of the governor-general afterward until 1862, developed alternative strategies to compensate for the near futility of litigation. The single, published analysis of these strategies offers a useful description of political aims and techniques but is curiously misleading in biographical and historical detail.[34] According to this interpretation, MacPherson was the epitome of the politically astute administrator, attempting to alter Kond social institutions through his personal adjudication of inter-clan disputes. He is applauded for his insightfulness, for with the elimination of warfare, the distinctiveness of the clan unit would dissolve and with it, according to this account, the social basis for the sacrificial act. On the other hand, Campbell is portrayed as a ruthless, insensitive boor, preferring a reign of terror to a more pacific and manipulative political technique.

It is tempting to accept this biographical sketch which, on the surface, appears to be substantiated by a host of administrative reports. MacPherson does appear a roman-

tic in spirit, writing letters full of admiration for the natural and architectural "wonders" of the subcontinent. In his view, the Konds were a "very fine race," capable of responding to "moral persuasion" and above all capable of appreciating the benefits to be derived from the introduction of the "principle of justice" in matters outside the jurisdiction of traditional tribal councils. "In a word... the law of compensation for wrongs, as it exists between the Branches of a Tribe [clan] was to be substituted for the usage of retaliation..." Whenever possible he referred disputes to Kond councils, "making it plain that I was there not to supercede the existing methods and instruments of justice but to strengthen them for good, and to supply their defects..."[35]

Campbell, on the other hand, believed the Konds to be "sunk in the depths of ignorance, superstition, and sensuality," morally and physically "repulsive," an unremarkable and "degenerate race." "Like all savages, and I might add, all Orientals, they require to be dealt with much more of the *fortiter in re* than the *suaviter in modo*. The utmost amount of persuasion and conciliation is not inconsistent with firmness and resolution."[36] Campbell concurred with Governor Tweeddale, whose position contrasted with Lord Elphinstone's, that

> the protection of the natives of the low country (through a cordon of police at the boundaries of the Kond hills)...ought I think to be the first consideration of a paternal Government. And to me this appears a question which should be treated separately and distinctly from that of the future organization of the Kond Country, by the introduction of law and regulations more in accordance with the Government of the Honorable Company's possessions in the Madras Presidency.[37]

Despite clear differences of personality, however, considerable evidence is available which suggests that these two rivals and their successors formulated uniform policies based upon principles deriving both from evangelical concerns and regional political expectations.

Administrators from Madras to London agreed that Kond defiance of British proscriptions against the performance of human sacrifice constituted not merely a clash of cultural and ethical systems but also an act of rebellion against Government itself. The power as well as the justice of Government was at stake, and, in practice, local officials

proved ready to demonstrate the ability of the Raj to stand behind its ethical pronouncements. Campbell, for example, burned and leveled Kond villages whenever the local population proved defiant of Government authority.[38] All district administrators, even the sympathetic MacPherson, depended upon a constant show of military support for their safe transport through the Kond hills.[39] All ascended the hills in regal fashion, mounted on elephants and surrounded by an entourage of sepoys and locally mustered *paiks*. In effect, while defending Christian principles of Government, the British assumed the role of a zamindar.

The less violent measures adopted by Campbell, MacPherson and their successors for the suppression of the ritual were specifically designed to weaken tribal defensive mechanisms. The goal was to intensify those indigenous socio-political processes that appeared to be nibbling away at the very foundations of tribal life. Hindu hill chieftains were courted and ineffectual rulers replaced by men sympathetic with, or at least motivated to support, British aims; trade routes were expanded through Kond labor and new markets established throughout the Kond hills; rescued female victims, as wards of Government, were whenever possible married to men of Kond infanticidal clans, binding the husbands, as the "kin" of Government, to a pledge of obedience to British social codes (see Table 2); missionary schools were opened throughout the Kond hills; and, finally, through *durbars* or audiences held in the Kond hills, the British demanded, with threat of reprisal for disobedience, the substitution of the buffalo for the human victim.

The Konds were to feel the moral influence of a civilized and just Government while being persuaded of the profit to be gained from peaceful intercourse with the plains. In the view of George E. Russell, who served as Commissioner during the Goomsur War, there was

> no race of people who take more delight than the Konds in silk and coloured, particularly red cloths...The revival of fairs formerly held at Sooradah and Codundah, and the establishment of similar marts of Kolada and other places favourable to the purpose, where they will have opportunities of seeing articles from all parts of the world, giving them new tastes and new wants will, in time, afford us the best hold we can have on their fidelity as subjects, by rendering them dependent upon us for what will, one day, become necessities of life.[40]

TABLE 2

PLACEMENT OF VICTIMS, 1838-1853

	Males	Females
adopted	141	60
receiving education or working as servants, laborers, etc.	144	84 (education only)
given in marriage	0	320
self-supporting	16	8
dead	75	95
deserted	66	14
settled as ryots	195	111
remaining to be placed	37	43
unable to work (supported by the State)	11	12
Sub-Total	685	747
Total		1432

Source: MacPherson to Anstruther, 25 April 1844, Board's Collection: 96, 448, p. 307, India Office Library, London; "History of the Rise and Progress of the Operations for the Suppression of Human Sacrifice in the Hill Tracts of Orissa," in *Selections from the Records of the Government in India* (Home Department) (Calcutta, 1854), pp. 135-136.

MacPherson likewise argued that the establishment of new fairs would draw the Konds from their hidden retreats while enlarging the "circle of their wants."[41] When in communication with the Konds, officials stressed that the sacrifice held no controlling power over the forces of nature and was, therefore, no more than a useless, superstitious act and a particularly cruel one at that. The Konds heard the following from Campbell:

> I thought it better to confess that we, like them, had once sacrificed human beings...but this was in days of gross ignorance, when we were both fools and savages, knowing nothing, and living a debased and brutal life; but we emerged from this darkness, gradually obtained light, and at last gave up forever our barbarous and unholy practices. And what has been the consequence? I inquired. All kinds of prosperity have come upon us since we abolished those sinful rites; we now possess learning and wisdom, and see clearly the great folly we all committed.[42]

To this and similar arguments the Kond leaders reportedly responded that they "were not beasts" and that the British should not "deem it necessary again and again to repeat the same sentiments to convince them of their truth and to induce them to yield obedience."[43]

Initially, British efforts met with considerable resistance. The Konds appear to have been aware of the political ramifications, although perhaps not the internal complexities, of British directives against the practice of human sacrifice. Kond patriarchal leaders expressed the fear that British tampering with the traditional observances of the tribe represented but one step along the road toward the imposition of taxation in Kond territory, and, therefore, signified the imminent collapse of tribal autonomy. With such tensions derived from centuries-old historical processes, a spirit of rebelliousness was easily ignited by the slightest alteration in the balance of power between local political authorities. At least three such uprisings occurred between 1836 and 1875, sparked by (1) MacPherson's removal from power of certain prominent Hindu hill chieftains who were supportive, for apparently personal motives, of Kond sacrificial practices (1846-1847), (2) British demands for tribal labor in the construction of roads through the Kond hills (1865) and (3) the introduction of the census in Kond territory (1871).[44]

With the earnestness of a modern day social scientist, British officials continuously "watched the horizon" for

signs of social change. Campbell, writing in 1864, declared the Konds "expert bargainers," and, indeed, the tribesmen appeared capable, if not always willing, to act the role of Maucaulay's civilized consumer.[45] And despite occasional transgressions, the Konds did relinquish the practice of human sacrifice, substituting the buffalo for human flesh.[46]

Over the long term the Konds were versatile in amending ritual and myth. New myths were generated which rationalized Kond feelings of guilt for having deviated from divinely prescribed paths of behavior. Recently, in the 1940s, the Konds explained:

> Nowadays when the goddess comes upon a shaman she says, "Will you give me garlic and onions?" The meaning of this is that men smell like garlic and onions in the nostrils of the gods, though women do not smell. When the goddess asks this, the Konds reply, "Government no longer allows us to give you garlic and onions." The goddess replies, "This is why you are always ill and tigers and elephants ruin your crops and the Forest Guards take away your forest." The Konds reply, "It was Kiamol and Mokmal [Campbell and MacPherson] who told us to give you buffaloes. It was not our fault; let the sin rest upon them." When the goddess hears this she accepts their offerings.[47]

CONCLUSION

The Goomsur War of 1835-1837 was a prelude to a far more intricate political problem that any that had previously captured the attention of British, or Indian, authorities. Although this region had long been recognized as a politically unstable frontier by the successive regimes of the Mughals, French and English, no government prior to the nineteenth century had attempted to establish direct administrative control over the lowland territories and hill retreats of Ganjam's fractious zamindars. The mere collection of regular, tributary payments had proved difficult enough. Since the mid-eighteenth century, indigenous rulers had steadfastly refused to submit to British authority, withholding payments of tribute in an unambiguous gesture of defiance. The victory in Goomsur, however, ushered in a new phase of British administrative involvement in the district.

From 1837 onward, British officials labored to expand the sphere of their administrative jurisdiction to not only the remote fastnesses of the hills of Ganjam District but

beyond Ganjam's borders to the mountainous regions of Vizagapatam in the Madras Presidency and Cuttack District in Bengal. Foremost among the new challenges that confronted local and central authorities was that of "civilizing," to use the contemporary phrase, the tribal societies of the Orissan hills. Through strategies involving a mixture of socio-political and legal elements, these tribes and their Hindu neighbors were to be brought under the aegis of British government.

In the aftermath of the Goomsur War, local officials directed their attention toward the Kui speaking Konds and the suppression of the Kond practice of human sacrifice. Socio-political strategies appear to have been more efficacious than litigation in achieving Government aims. Efforts were directed toward strengthening indigenous networks of social, political and economic exchange that seemed, in British eyes, to be leading toward the "Hinduization" of tribal society.

Evidence from nineteenth-century administrative reports as well as tribal mythology suggests that the British were successful in sharply curtailing the Kond practice of human sacrifice, with the tribesmen substituting the buffalo for human flesh. Yet it is interesting to note that the Konds proved versatile in amending both ritual and myth, with social change accommodated through the modification of shared mythologies. The deeds of "Kiamol" and "Mokmal" have not been forgotten in the Kond hills.

CHAPTER FIVE

DANGEROUS CASTES AND TRIBES

THE CRIMINAL TRIBES ACT AND

THE MAGAHIYA DOMS OF NORTHEAST INDIA

Anand A. Yang

> *...when we speak of 'professional criminals,' we...[mean] a tribe whose ancestors were criminals from time immemorial, who are themselves destined by the usages of caste to commit crime, and whose descendants will be offenders against the law, until the whole tribe is exterminated or accounted for in the manner of thugs.*[1]

> *...an entire tribe cannot be criminal, neither a large section of it. A few families or gang may be prone to commit non-bailable offences, but it is not necessary to dub it as criminal merely for administrative expediency...an appellation of 'criminal' if applied to a peaceful and law-abiding people often helps towards converting it to a career of crime.*[2]

Epitomized in these two statements is the modern fate of several million people in British India who were designated "criminal tribes." With only a few modifications, the former view persisted as the official ideology throughout the late nineteenth and early twentieth centuries, and engendered strong repressive measures against such offenders. Not surprisingly, the change in thinking, which is reflected in the latter assertion, came almost a century later with the advent of India's independence in 1947. By then the official sanctions against criminal tribes were no longer in accordance with either the stated objectives of the new nation, certainly not as enshrined in its constitution, or with the growth in sophistication of criminological theory.[3]

Precisely the former statement was echoed by James Fitzjames Stephen, the Legal Member of the Governor-General's

Council, in advocating the bill which became the Criminal Tribes' Act of 1871. Other than a few officials who expressed concern about endowing the police with too much power, and fewer still who questioned the lumping of all members of a tribe as offenders, most contemporary British administrators approved of instituting draconian measures.[4]

The Criminal Tribes' Act (Act XXVII of 1871) was promulgated in 1871 "to provide for the registration, surveillance and control of certain tribes."[5] Applied initially to the North Western Provinces, Oudh and Punjab, it was subsequently extended in its entirety or in part to the rest of British India. By the mid-twentieth century 13 million people were classified as offenders. In Uttar Pradesh (formerly North Western Provinces, then United Provinces) alone 2.8 million people were considered members of criminal tribes, although only 1.5 million people were actually subjected to the provisions of this Act.[6]

The Act empowered local governments to designate "any tribe, gang or class of persons" a "criminal tribe" if they were "addicted to the systematic commission of non-bailable offences." Once officially notified, groups had no recourse to the judicial system for removal of this designation. Individuals did, however, have the right to protest their inclusion in the registers that local authorities were required to maintain of criminal tribes living in their jurisdiction.

Other sections endowed local officials with the power to resettle criminal tribes, if necessary, to ensure their gainful employment, or to remove them to "a reformatory settlement." The movement of criminal tribes was also restricted by a system of passes which specified "(a) the places where the holder of the pass may go or reside; (b) the officers before whom, from time to time, he shall be bound to present himself; (c) and the time during which he may absent himself." Additional provisions left local authorities with discretionary powers to conduct roll-calls to enhance surveillance and control, to inspect an offender's place of residence for stolen property and to design measures to maintain discipline in reformatory settlements. And if a member of a criminal tribe was apprehended outside the limits of his prescribed place of residence, he could be arrested without a warrant. Village headmen and watchmen and the landholders of a locality inhabited by an offender were also charged with maintaining surveillance. Punishment for violating the pass system, or the rules established for reformatory settlements, consisted of two of the following: rigorous imprisonment for a period of up to six months, a

fine or a whipping. A second breach led to a term of one year in jail, in addition to one of the other two forms of punishment.[7]

The passage of Act II of 1897 introduced the first major change in this law. It amended a section on "the words 'tribe,' 'gang' and 'class'...to include any portion or members of a tribe, gang or class." It also inserted into the original wording a section granting local governments the right to establish a separate reformatory settlement for children under eighteen of parents designated members of a criminal tribe. Another new section stiffened the penalty for contravention of the rules enforcing restricted movement. Hereafter, punishment for a first conviction was one year, for a second two years and thereafter three years, in addition to being liable to a whipping.[8]

Still further revisions were made by Act III of 1911. The burden that the original legislation imposed on local governments to provide settlement and livelihood for people identified as criminal tribes was now removed, thus facilitating the extension of the law to many more groups. Instead of necessitating the assumption of the financial costs of creating special settlements, this amendment simply required criminal tribes to be kept under observation in their usual place of residence. The practice of taking fingerprints, a relatively new technique, was also now applied to criminal tribes.[9]

Subsequently, in 1924, and again in 1947, modifications were made toning down the provisions of the Act. In 1952 it was finally repealed.[10]

What occasioned the Criminal Tribes' Act of 1871 and its successive re-enactments with further accretions, until its repeal, forms the subject of the remainder of this essay. To whom this Act was applied is also of concern here, because to explore the origins of the law without examining its application and consequences will yield only partial answers. One group of offenders, the Magahiya Doms of Northeast India in general, and of the north Bihar districts of Champaran and Saran in particular, will serve as a case-study.

In pursuing these questions several research strategies will be followed. As is increasingly apparent from investigations examining the links between crime and society, notions of crime and criminality grow out of a social process in which criminal facts involve the making of criminal judgments. Historical criminality cannot therefore be treated as a given, but instead as a social process, the understanding of which has to take into account the societal

context in which certain kinds of behavior were singled out for special legal attention.[11] This essay will analyze the Criminal Tribes' Act within the context of the colonial system of rule, with special emphasis on those contemporary ideas about crime and criminality which became incorporated into an ideology justifying and legitimizing British authority in India. These perspectives will inform the investigation of the processes which led to the identification of certain groups as criminal tribes, specifically the Magahiya Doms in the late nineteenth and early twentieth centuries.[12]

I

...a tribe whose ancestors were criminals from time immemorial.

During the discussion leading up to the enactment of the Criminal Tribes' Act of 1871, few officials expressed concern about identifying all members of a particular tribe or caste as criminals. Most appeared to accept the judgment that "with these tribes crime is hereditary," or at least "habitual."[13]

These views were in conformity with prevailing criminological theories. While the notion of "born criminal," associated with the work of Cesare Lombroso had not been systematically expounded as yet, the idea that criminals were biological degenerates was not an uncommon one in the nineteenth century. Furthermore, in the late nineteenth century it was a view consolidated by the writings of Darwin and Spencer.[14]

Certainly the existence of habitual offenders, or "a separate criminal class," whether due to physical inheritance or social conditions, was very much part of the nineteenth century wisdom about crime causation. That this view had been incorporated into English law with the the introduction of the Habituals Criminal Act of 1869 was also well known by administrators deliberating the enactment of the Criminal Tribes' Act. As one official, who cast aside his reservations about generalizing criminal tendencies by tribe or caste in favor of the proposed legislation, asserted, "even the English law...has recently introduced exceptional powers against...habitual criminals... [because] when professional criminals become a dread to the community, then it is necessary to impose laws of exceptional rigour, and to accept some amount of evil to evildoers against a large amount of good to the general public."[15]

Political expediency further underscored the necessity of enforcing stringent measures against crime because the nineteenth century transformation of "the criminal theme into the social theme,"[16] to use Chevalier's apt characterization, increasingly tied the belief in a separate criminal class to the concept of "dangerous classes." This equation evoked a threatening picture of a people who "lived so close to economic disaster that a reversal of fortune or some lapse in moral integrity would send them out into the streets, dagger in hand, to deprive honest citizens of their money."[17] No doubt, this view "served the interests and relieved the conscience of those at the top to look upon the dangerous classes as an independent category, detached from the prevailing social conditions...morally depraved and vicious, living by violating the fundamental law of orderly society."[18] It also led to ignoring the social and economic determinants of crime, while highlighting the existence of dangerous classes as the major source of criminal activity in any locality.

> ...*who are themselves destined by the usages of caste to commit crime, and whose descendants will be offenders against the law.*

Extended to India, the equation of a separate criminal class with the dangerous classes turned up the caste system. Bernard S. Cohn has shown that British assumptions about indigenous society centered on the belief that "India was...[a] collection of castes; the particular picture was different in any given time and place, but India was a sum of its parts and the parts were castes." And since "a caste was a 'thing,' an entity, which was concrete and measureable; above all it had definable characteristics--endogamy, commensality rules, fixed occupation, common ritual practices,"[19] the ramifications for prevailing theories of crime causation were inescapable. Indeed, not only were the dangerous castes readily identifiable, but their criminal tendencies were deeply anchored in the structure and functioning of Indian society. Carried to its extreme, this logic, repeatedly injected into the 1871 discussion of criminal tribes, took the following form:

> a family of carpenters now will be a family of carpenters a century or five centuries hence, if they last so long; so will grain-dealers, blacksmiths, leather-makers, and every other known trade. A carpenter cannot drop his tools and become a banya [trader], or a

lohar [blacksmith] or anything else. The only means of subsistence open to him other than the trade to which he is born is agriculture; but in ninety-nine cases out of a hundred, if he is born a carpenter, he will live and die a carpenter.

Therefore, when a man tells you he is a *Buddhuk,* or a *Kunjur,* or a *Sunoria* [i.e. a member of a criminal tribe] he tells you (what few Europeans ever thoroughly realize) that he is an offender against the law; has been so from the beginning, and will be so to the end; that reform is impossible, for it is his trade, his caste, I may almost say his religion to commit crime.[20]

If a caste or tribe of professional criminals did not conjure up a sufficiently terrifying picture, certainly the additional sanction of religion upon illegal activity by India's dangerous classes made the threat appear even more formidable.

Thus groups identified as criminal tribes were stamped indelibly with definite economic, social and behavioral characteristics. That these added up to a predictable life of crime was official wisdom, as is suggested by the portraits submitted by Bengal authorities of possible offenders in their province:

Aheers or Gowallas ...adroit cattle stealers and burglars, whilst, ostensibly engaged in other pursuits, they are ready at all times to join in any marauding expeditions...[a] troublesome lot.
Sunnyassees ...religious mendicants who wander about the country ....live by begging, cheating, and pilfering.
Nutts ....professional jugglers of gipsy habits, and sometimes given to pilfering.
Bowreahs ....low caste....given to thieving.
Sonareahs ...wandering class of professional thieves...
Binds ...commit organized dacoities...
Budducks ....notorious dacoit tribes...
Bedyas or Shikarees ....a very low caste and have no particular religion....The word 'Budh,' of which their name is a corruption, means a 'hunter'...
Mughya Domes or Dormas ....lowest of outcasts...Their presence in any district or part of a district is always marked by a decided increase in thefts, robberies, dacoities.

Bembodyahs ...gipsies....subsist by fishing and snaring birds...
Keechuks ...gipsies of up-country origin...
Dosads ...A low caste of people...
Koneriahs ...regular thieves....have no particular profession.
Moosaheers ...A thieving caste...
Rajwars ....thievish, neglected, half-starved, and utterly degraded set of beings.
Gahsees ...professional thieves...
Banjors ...workers in bamboo....cheats and thieves...
Boayas ....low caste....great thieves...
Dharees ....worst thieves...
Sowakhyas or Kowakhyas ....gipsy origin....snare and eat crow...[21]

Furthermore, official ideology, viewed the institution of caste not only as an imperative to follow a life of crime, but also as a built-in network of support for continuing such an existence. And since it determined one's occupation, it explained why illegal activity persisted over time as a "legitimate pursuit."[22]

Implicit in this interpretation was the popular nineteenth century idea that poverty led to crime. Since criminal tribes were comprised mostly of groups who pursued lowly or marginal occupations, their attraction to illicit means was considered a natural tendency. But this did not lead to locating the origins of crime in existing social and economic conditions because the starting point in any discussion of criminal tribes was that they were either born or habitual offenders. Or to put it in the words of one Bengal officer the Rajwars "appear to rob from necessity. The Bedyas, on the other hand, pursue dishonest courses from taste."[23]

The official judgment on criminal tribes was also shaped by the fact that so many of them were identified as "gipsies," "wandering tribes," or "vagrant tribes." This view was consistent with the contemporary notion that vagrancy was the "nursery of crime."[24] An exception was the Chief Commissioner of the Central Provinces who recognized that these wandering groups were often well integrated into the regional economy and society: "every one of these tribes has its own calling or handicraft; many of them are welcome visitors in the villages which they frequent...however ingrained their thievish inclinations may be."[25]

...until the whole tribe is exterminated or accounted for in the manner of thugs.

Punctuating the 1871 deliberations, which led to the enactment of the Criminal Tribes' Act, were references to the earlier campaign against the thugs. However tenuous the analogy, in the official mind there were several constants. Whereas the suppression of the thugs had required brutal measures because they posed a deadly threat to the establishment of *Pax Britannica* in the early nineteenth century, the drive against criminal tribes necessitated severe policies because their activities of theft and robbery challenged the maintenance of law and order. In the words of one police officer, "if their warfare with their neighbours is less murderous than that of the thugs, it is more insidious, more universal, and equally demoralizing to themselves. Their own interests, and those of society at large require that restrictive measures of a special character should be directed against them."[26]

Criminal tribes, no doubt, were considered reprehensible by most officials for precisely the reason that the Chief Commissioner of the Central Provinces thought differentiated them from the thugs. To use his words: "It would undoubtedly be proper to go great lengths to put down a system of organised murder, but we are now dealing with *offences against property,* generally of little aggravation, committed by the itinerant pedlars, conjurers--the gipsies in fact--of India."[27] Indeed, the scales were different, but in each case the authority of the Raj was at stake, and therefore equally strong sanctions were imposed.

In neither instance did official perceptions stem from accurate observations. In the manner of thugs, criminal tribes, constituting a wide range of groups, from different social, religious and geographical backgrounds, were tarred with the same brush and stereotyped as criminals. Nor is it surprising that even the language of distortion yields striking parallels. The following description of "wandering predatory tribes" could very well be of the "national fraternity of murderers," or thugs: "the fraternities are of such ancient creation, their number so vast, the country over which their depredations spread so extensive, their organisation so complete, and the evil of such formidable dimensions, that nothing but special legislation will suffice for their suppression and conversion."[28]

Small wonder then that the result of these official perceptions were fairly similar policies. As Gordon's important study of the thugs shows, government measures

lumped guilty and innocent alike, and failed to comprehend the dynamics of a group that operated in a particular "historical and geographical setting...[as well as] in the context of the on-going structure and processes of power."[29] Likewise, in the case of the criminal tribes, the British indiscriminately identified entire groups as offenders, making few distinctions among the different kinds of peripatetics, such as pastoral nomads, bards, minstrels, mendicants and traders, and between castes and tribes. Especially in relation to wandering groups, whose very mobility was cause for suspicion, there was a complete lack of understanding of the "salient characteristics of nomadism: the rhythmical and cyclical, almost predictable, shifts of location, with territorial limits or band of lineage structure defining the migratory group."[30]

Official descriptions of criminal tribes were also static and ignored the historical dimension. Banjaras, for example, were treated as a criminal tribe without any comprehension of their past. But as recent research indicates, most Banjaras were not involved in illegal activities, and those that were, did as a result of nineteenth century developments which made their regular means of livelihood redundant. Prior to the advent of the British, the nomadic Banjaras had been transporters, who had used their pack bullocks to carry goods all over India. Mughal armies particularly relied on them in their many military campaigns. With the extension of British rule throughout the country in the early nineteenth century, however, they had to seek new modes of employment, as British military requirements and changing transport patterns, such as better roads, and later on, railways, reduced the need for their services. Whereas some adapted to the new circumstances by settling down as agriculturists, and others by continuing their tradition of wandering by taking up the cattle trade, still others took to crime.[31]

Few administrators, moreover, were ever concerned about the deleterious effects of their condemnation of entire groups as offenders. Yet as studies of nineteenth century England suggest, some people drifted into crime because they were judged as criminals by the rest of society.[32] At least one Inspector General of Police hinted at this possibility when he recognized that the Criminal Tribes' Act imposed "measures of vexatious surveillance [which] savour more of the age of barbarism...They would tend also...to exasperate those on whom the measures in question would be brought to bear, into a state of still greater hostility with society, which persecuted them in this manner."[33]

Also in the manner of thugs, despite the inflexible views about their propensity for crime, government policies followed a blend of severe measures and concern for rehabilitation. The interest in 'reclaiming' them was expressed from the outset, generally as a desire that "their children might be educated out of the vice of their fathers."[34] Later, it was enshrined into the Criminal Tribes' Act by the 1897 amendment which established separate reformatory settlements for children. In the twentieth century missionary organizations joined in the effort to reform criminal tribes; in the case of the Magahiya Doms the Salvation Army played a leading role.

II

No doubt part of the spell which blinded government to the inconsistencies and fallacies of its position on criminal tribes was the fact that contemporary knowledge about the social causes of crime was not very penetrating. Nor was its understanding of Indian society, although by the late nineteenth century considerable information had been collected for official and scholarly use.[35]

The limited perceptions of crime generally and criminal tribes specifically were also defined by the colonial context in which rulers ruled with institutions as well as with an ideology of control. James Fitzjames Stephen, who was Law Member of the Governor General's Council between 1869 and 1872 and an instrumental figure in the passage of the original criminal tribes legislation, personified the basic principle of this ideology in his approach to his work in India. As one of his biographers has noted:

> About England's position in India he had no doubts or hesitations. The Indian Empire was 'the very boldest and most successful enterprise ever tried by moral men'...the Roman Empire was not to be compared with it for a moment 'in moral interest.' In using that phrase he thought solely of the problems involved in equipping a medley of Eastern peoples with an efficient Western system of government. Beyond that he did not try to penetrate. There was always a limit to his appreciation of things Indian, and his purview was strictly the history of his own people in India, and the impact of Western ideas of government, which were right, upon Indian ideas, which were wrong.[36]

From this lofty perspective, which increasingly characterized the official mind in the aftermath of the Mutiny/Rebellion of 1857, stemmed the notion that the coercive sanctions of law were necessary to maintain order and a civilized community. As Stephen put it, in praising the enactment of the Penal Code, the Code of Criminal Procedure, and other legal institutions, they were "somewhat grim presents for one people to make to another, and are little calculated to excite affection; but they are eminently well calculated to protect peaceable men and to beat down wrongdoers, to extort respect, and to enforce obedience."[37]

The opening salvos in government's campaign against criminal tribes, moreover, formed part of the "aggressive legislation of the eighteen sixties and early seventies."[38] And they were particularly strong because their targets were people who were engaged in offences against property, a crime which challenged the power and authority of the British regime. Legal sanctions against such offenders were therefore intended to highlight a paternal government which was interested in preserving the traditional social order, both British and Indian, by meting out strict but yet beneficial justice.

Government actions against criminal tribes also rested on attitudes which increasingly assumed the proportions of a theory of imperialism in the late nineteenth century, and which sought to justify British domination and Indian subjection. One expression of this ideology was judgments about Indians which distinguished "between 'masculine' and 'feminine' races, between the 'natural' Indian leaders and the unrepresentative babus ('clerks') 'posing' as leaders, and between the 'real' Indians and the assimilated ones. In each categories carried within themselves implications as to who was and was not with the angels."[39]

To what extent this kind of mentality pervaded the official imagination is apparent from the systematic categorization of the people of a locality according to their propensity for crime. Despite the efforts of enterprising administrators, however, no precise correlations could be found between variations in crime and caste distribution patterns. Nevertheless, lists were compiled for many areas with information such as: "Brahmans.--Not addicted to robbery except in great distress, else bear a good character. Rajpoots.--Mostly addicted to rioting and fighting, commit robbery in distressed circumstances."[40] Obviously, few groups measured up to these yardsticks.

Thus an ideology of rule united with contemporary notions of crime and criminality to posit the existence of

criminal tribes in British India. And since they were 'recruited' from the ranks of the dangerous castes and tribes, they had neither Indian nor British advocates to rescue them from government's legal sanctions. Discovery as a criminal tribe therefore, as the example of the Magahiya Doms below reveals, sealed a harsh fate.

III

Sweepers and scavengers, the Doms are widely regarded as among the lowest of untouchables. And among them the subcaste of Magahiya ranks almost at the bottom. Traditionally the Doms have been identified as eaters of carcasses and the leavings of others. They have served as public executioners and as the suppliers of logs, straw and light for funeral pyres. Some Doms are also known to be workers in bamboo, straw and cane. In addition, many took to agriculture in the late nineteenth century.[41]

Whether "one of the original tribes of India" or of aboriginal stock, most writings indicate that the Doms date far back into history. Some sources suggest that they were once a significant group predominating over the area north of the Ghogra river in Eastern Uttar Pradesh. As evidence of their former salience, these authorities point to the old forts of Domdiha and Domingarh in Gorakhpur district, and of Ramgarh and Sahnkot on the Rohini. Other sources emphasize the continuities in their status as outcasts by relating them to Candala and Svapaka, two "degraded Dravidian" groups who are mentioned in highly denigrating terms in the Vedic literature.[42]

Both in Eastern Uttar Pradesh and in Bihar, the Doms are further divided into a number of subcastes. In the former locality, they include Bansphor, Dharkar, Magahiya Litta, Domra, Jalladir, Hathyara and Harcanni; in the latter, Bansphors, Chapariyas, Dakhinas or Turis, Dhapras, Dharkars, Gadahiyas, Haris or Bengalis, Harkars, Lorhoras or Purbal Mihtars, Pacainyas, Raut Mihtars, Suparas, Tirhutiyas and Uttariyas. Of these the Magahiyas constitute the main group. Their name is apparently a derivation of Magadha, the ancient kingdom in South Bihar, although today they are scattered over Uttar Pradesh, Bengal and Bihar.[43] In 1911 one-tenth of the total 119,393 Doms enumerated in Bihar were estimated to be of the Magahiya subcaste.[44]

Many Dom legends offer explanations of the origins of their lowly status. According to one Magahiya account, their ancestor, Supach Bhagat, was once invited to a feast

by the gods, Mahadeva and Parvati, along with all the other castes. He arrived late, however, and being very hungry, ate the leftovers. Consequently, he and his descendants were cursed from that day onwards to eat "the leavings of other people." Similarly, other legends account for their menial existence and their role in cremations.[45]

Both the history and legends of the Doms suggest a complex and varied past. Not surprising therefore is an early twentieth century picture which depicts considerable diversity in their fortunes. In the Kumaon and Garhwal Himalayas they were said to be engaged primarily in agriculture and village handicrafts. In Punjab they (called Dumna) were village sweepers and also worked with cane. In the Bengal delta, where they had migrated to from Upper India, they were in occupations that local castes apparently were not willing to perform. In Central and South India they worked as "coarse weavers," acrobats, dancers; some were also known as "bad characters." In Bihar they were involved in mat-weaving and basket-making, as well as scavenging. They were also described as having gangs of "expert and artistic burglars and thieves." According to this source they could be grouped into four broad occupational categories: "field-labourers, weavers, and metal-workers; cane-workers and the lower artisans; exorcists, porters and leather-workers, and, finally, musicians, mendicants, and--tailors."[46]

Historically, there have been variations as well as consistencies in the British images of the Doms. A standard notion of the Dom appears to be "that he belongs to the lowest order in society....His habits are so disgusting, his custom so debased, and his avocations so repulsive that he is viewed as less than human."[47] Indeed, this kind of observation was quite common in the early British encounters with them. Hamilton Buchanan noticed the "abominable" Doms in the early nineteenth century and referred to them as "a very vile race." Noticeably absent from his remarks were, however, any comments about their criminal propensities. In a late nineteenth century account M.A. Sherring also highlighted this "social degradation" aspect in his widely quoted observations, but he too does not even hint of any traits which could add up to a picture of a 'criminal tribe.'[48]

The first systematic official concern with the Magahiya Doms in Northeast India appears to have followed in the wake of the provincial police report of 1866 which drew attention to the existence of the "wandering tribes of Mugheye Domes" and proposed 'colonising' them. The district magistrates of Champaran, Shahabad and Saran, the three Bihar districts

which these Doms frequented, supported the proposed plan, although, they differed on whether the colony was to be agricultural or industrial.[49]

But unlike later group portraits which assumed certain characteristics as 'givens' about any criminal tribe, in this instance relatively few harsh colors were used in depicting the Magahiya Doms. Nevertheless, this exchange of views did generate the conclusion from the Champaran District Magistrate, C.T. Metcalf, that "in their moral characteristics, they are a little removed from animals."[50] Yet even as official sentiment verged on banishing the Doms from the ranks of human beings, local administrators in the 1860s still did not generalize for the tribe as a whole, as they distinguished between those who were nomadic and engaged in petty thievery, and others who followed such occupations as basket-weaving.[51]

The Criminal Tribes' Act of 1871 was not received enthusiastically by Bihar administrators. While they were still attracted to the idea of establishing colonies its provisions applied primarily to sedentary groups. Nevertheless, with its introduction the lid came off of official pronouncements on the 'inherently evil' criminal tribes. In its wake the tenor of official descriptions of Magahiya Doms changed conspicuously, their stock plunging lower as they were now described as "less removed from the lower animals than any caste in India."[52] Or if another viewpoint was to be believed, they were "the very scum of the lowest class of Hindus, and not a single inch removed above the African bushman, who hardly ranks with an intelligent animal."[53] In addition, their women were "without the first germs of decency...[and] perfectly shameless in sexual matters." The Lieutenant-Governor also chimed in by advocating the removal of children to reformatories, and away from their parents, as the only effective cure.[54]

When the Magahiya Doms were reported not to have suffered much distress in the famine of the 1870s, C. T. Metcalf, now Commissioner of Patna Division, advanced this as further proof of their reliance on a life of crime. He also took the opportunity to revive his plans to organize a colony, but the provincial authorities denied his request by pointing to its monthly expense of Rs. 700 to 800 a month.[55] He, however, continued to press his proposed project. In another letter to the government he reminded his superiors that only people personally acquainted with the Magahiya Doms knew how "untractable" they were. Adding further color to his earlier description, he claimed, "they have more the habits of wild beasts than human beings. The men do not

hesitate to take human life, and the women in the commonest quarrels use children like clubs, catching them up by the leg and swinging them round their heads."[56]

The discovery of this criminal tribe was now complete. The next step was for government to 'rescue' them from their own sins.

The schemes for the reclamation of the Magahiya Doms of Champaran and Saran took concrete form in the 1880s with the organization of 'colonies.' From the outset there were striking differences in the two districts which contradicted the standard official notions about criminal tribes.

Whether the Doms of Champaran had always been "a wandering tribe" cannot be ascertained from the existing evidence. But in the late nineteenth century they were known as the "inhabitants of the jungle" and as people who moved constantly from Champaran to nearby districts and to Nepal. Yet it was they who took the initiative in inquiring about "a resting place or employment." Tired of being hunted from place to place, their women broached the subject with local authorities while their husbands were in jail.[57]

In 1882 Atithwa, the "acknowledged leader" of Champaran's Magahiya Doms assisted the local magistrate, E. R. Henry, in implementing the latter's plan to concentrate the tribe in a few agricultural settlements founded on government-donated lands. By 1883 a colony was organized at Buragaon with 2 men and 12 women, while another one started at Futtehpore numbered 90 people. Four years later, in 1887, a third settlement was established at Ekderi.[58]

In the initial years there was much optimism about these settlements. To encourage interest in cultivation, government even provided agricultural implements and livestock. In 1887 a report on the first two settlements proclaimed that the Doms had adapted successfully to agriculture. "Some of them have already become quite substantial cultivators....The children are being educated at patshalas [schools]....To any one who knows what the Mughya Doms were in character and habits a few years ago, how little removed they were from mere animals, their present altered mode of life must appear almost incredible."[59]

But glowing acounts soon gave way to dismal reports of failures as the shortcomings of the Champaran settlements became apparent within a decade of their inception. Lands given to the Doms for cultivation were of poor quality and insufficient to support the several hundred people who depended on its produce. Large numbers of abscondings also revealed the cracks in this scheme. Nor was government willing to contribute enough money to keep the settlements

working effectively. And despite the repeated entreaties of local officers, it refused to extend the provisions of the Criminal Tribes' Act to the district because it would have had to subsidize fully the livelihood of the Doms. Although the settlements persisted well into the twentieth century, their record, as a veteran Bihar administrator assessed, "proved a failure."[60]

Reclamation in Saran involved different issues. Contrary to the conventional official view about the Magahiya Doms as a wandering tribe, Saran's population was not nomadic. They were scattered across many villages and generally had "some recognized residence to which they say they belong, and where their forefathers resided before them for ages past."[61] They were engaged in a variety of jobs: assisting at funerals and marriages, supplying baskets and doing menial tasks for cultivators. Such roots in local society may explain why most were reluctant to be relocated and why they appeared to be more accepted by their fellow-inhabitants than was the case in Champaran.[62]

Furthermore, in Saran, the Magahiya Doms were not organized into large settlements because they lived in so many different villages. Centralized 'colonies' were also impractical because land was relatively inaccessible in this densely populated district. Nevertheless, there too the aim of the reclamation scheme was to transform these people into agriculturists by granting them small pieces of land, generally one *bigha* [five-eights of an acre], and livestock. They were also encouraged to seek employment in neighboring indigo factories and municipalities. In the first year of the scheme, 1883, 1,145 people, consisting of 358 adult males, 359 adult females, and 428 children, received 311 *bighas,* in addition to poultry and pigs.[63]

But initial successes did not endure in this district either. Not only was land generally of poor quality, but there never was enough to redistribute. Although the 311 *bighas* increased to 562 by 1888, it steadily decreased thereafter, reaching a total of 450 in 1896. Moreover, these lands were a constant bone of contention because their proprietors frequently demanded rent although the district authorities considered them donations. The latter were aware though that they had been obtained through such methods as "fair speeches, smooth words, and cajolery...and where these failed...the Police forcibly occupied lands."[64]

No wonder official reports on these settlements were consistently critical. The following judgment passed by a police officer, and endorsed by the district magistrate, sums up the administrative complaints:

> To call the present state of affairs a scheme is a mere euphemism. It is nothing of the kind, but a hand-to-mouth scrambling arrangement which ensures the worst possible results, viz. a great waste of power, a minimum of control, uncertainty of continuance, and, last of all, the maintenance of a transparent sham in the attempt to make the Domes agriculturists, which no one sees through more clearly than the Dome himself.
>
> The attempt to turn them into agriculturists has been a complete failure. Their fields, generally the worst in the village, because they have been extracted from the malik [proprietor] *gratis,* are cultivated for them by the police by forced labour, or else let out on the *batai* [crop-sharing] system to real cultivators.[65]

And since the land was barely sufficient even for a skilled cultivator to subsist on, the Saran Dom's experience in this scheme followed a standard pattern. "He will not starve, and he must desert. After a period of freedom...spent in the practice of his hereditary profession, of thief, he is captured and spends 6 months in jail as a vagrant, while the police, as before, cultivate his land, and feed his wife and children for him."[66]

The problems of the scheme were compounded by the policy of locking up Dom males in guard houses for the night. Appropriately entitled a system of "surveillance and protection," this policy, as was repeatedly observed by local officers, did not strive for reclamation. Instead, it was largely a measure affording some degree of protection to the larger community in which these offenders resided. Neither the jailers nor the prisoners liked this system which herded people together in "more or less unwholesome conditions and separated from their women-folk."[67]

While Saran's adminstrators found the scheme wanting, they agreed about the benefits of extending the Criminal Tribes' Act to the Magahiya Doms. Most had been clamoring for its introduction since the passage of the Act. Its attraction was that it enhanced their powers in dealing with offenders. One official, for example, welcomed the Act because it sanctioned the administering of floggings.[68]

In August 1913 the Magahiya Doms of Saran and Champaran districts were officially designated a "criminal tribe" under the provisions of the Criminal Tribes' Act of 1911. A major consideration in this decision was the fact that it allowed government to continue to exercise police control even though the reclamation responsibility was now shifted to the Salvation Army.[69]

The crucial figure in the Salvation Army's involvement was F. Booth-Tucker, a former government administrator, who returned to India in 1882 as a salvationist. Although the Army's possible role in reforming criminal tribes was discussed as early as the 1890s, its direct involvement began in 1908, when at the behest of the United Provinces' government, it started working with the Doms of Gorakhpur district.[70]

Booth-Tucker's experiences in the United States with native Americans apparently shaped the Army's way of dealing with criminal tribes. Originally, he advocated establishing "reservations," ideally islands, where tribes could live in isolation, far away from any opportunities to plunder other people, while also existing as a community of "free citizens." Because he did not see the urgency of converting criminal tribes into agriculturists, he also departed from the official line in pressing for agro-industrial or pastoral-industrial settlements. His belief was that the source of the 'tribal' problem in both the United States and India was the presence of "an urban industrial society, expanding to oust the simpler primitive aborigines, still living in stone-age or at the best, early iron-age conditions."[71]

To enable the Magahiya Doms to adapt to these new conditions and to have employment opportunities, he therefore recommended their relocation near industrial centers. A plan to move them to South Bihar to take advantage of the Tata Iron Works was never realized, however. Instead the Salvation Army essentially continued the practice of maintaining settlements in Saran and Champaran, although they were now consolidated.[72]

Three settlements were organized in Champaran in 1915, and these were eventually merged into the Salvation Army Agricultural and Industrial Settlement. A year after two settlements were started in Saran, they were abandoned, and local authorities once again assumed charge of reclamation.[73] According to the Army, its failure in that district was the result of government's lack of "stringent rules to control the movements," while district administrators blamed the Army's "inefficient management."[74]

The abrogation of the Criminal Tribes' Act in Bihar in 1950, and nationally in 1952, removed the special legal sanctions against people designated as criminal tribes. Thus ended almost a century of government attempts at reclamation which, as one official account admitted had "met with little success," although it went on to pin its hope in the "young generation, now growing up who attend the local

schools [and] do take an interest in education..."[75] For India's "dangerous castes and tribes," however, the promise of their future as *Vimukht Jati,* or liberated classes, has to be weighed against their colonial experience as criminal tribes.

IV

This study of the processes underlying the passage of the Criminal Tribes' Act of 1871 and its subsequent amendments in the late nineteenth and early twentieth centuries reveals that notions of crime and criminality in British India developed out of contemporary ideas about crime causation, as well as from colonial conceptions of deviance. Especially in the nineteenth century, criminological theories claimed that crime was committed by hereditary or habitual offenders who comprised a distinct criminal class. Furthermore, this group was said to be drawn from the "dangerous classes," the economically and socially underprivileged members of society.

These ideas were linked up in India with British beliefs about the indigenous society, particularly the caste system. From this complex of assumptions sprang the notion of dangerous castes and tribes who were inherently professional criminals because of the rigid structure of Indian society. For caste was seen as determining permanently the economic, social and behavioral characteristics of each group, traits which were further reinforced by religion. A similar stance had informed an earlier official campaign against the thugs, or "ritual murderers." In both cases entire groups of people were condemned as offenders, without adequate understanding of the social and economic dynamics of Indian society, or of the history of the groups involved.

In addition, the limited view of crime generally, and criminal tribes specifically, was also shaped by the colonial context in which law served as an instrument as well as an ideology of control. Since criminal tribes were engaged in offences against property, coercive measures to suppress them were considered vital, especially in the wake of the Mutiny/Rebellion of 1857, to demonstrate government's interest in preserving the traditional order. Moreover, official actions against criminal tribes also grew out of an ideology of rule which sought to justify British domination and Indian subjection by casting all indigenous peoples in inferior roles, and the dangerous castes and tribes even beyond the pale of civilization.

Thus contemporary notions of crime and criminality united with an ideology of rule to posit the existence of criminal tribes, who were then 'recruited' from the ranks of India's dangerous castes and tribes. And as the example of the Magahiya Doms of Northeast India shows, 'discovery' as a criminal tribe meant being subjected to draconian controls. Although the Criminal Tribes' Act was not formally applied to the Magahiya Doms of Champaran and Saran until 1913 because of financial considerations, they were brought under government supervision as early as the 1880s. In both districts, administrators overlooked local differences in their single-minded pursuit of converting this criminal tribe into agriculturists. Whereas Champaran's Doms constituted a nomadic group, Saran's population had lived for generations in scattered villages, in whose economy and society they were well integrated. Nevertheless, in both cases they were relocated in government settlements and provided land and implements. The males were also confined at night in guard houses.

Reclamation of the Magahiya Doms was an acknowledged failure in both districts. At best, the settlements, which never became viable agricultural enterprises, served as mechanisms for government to exercise a certain measure of surveillance over the movement of Doms. Nor was the Salvation Army any more successful with these settlements. The abrogation of the Criminal Tribes' Act in the 1950s ended the special legal sanctions against India's dangerous castes and tribes.

CHAPTER SIX

BHILS AND THE IDEA OF A CRIMINAL TRIBE IN NINETEENTH-CENTURY INDIA

Stewart N. Gordon

The concept of a "criminal tribe" was fully institutionalized in India by the end of the nineteenth century. Legislation named the tribes, defined their place of abode, their required occupation and their children's education. It also restricted their movement and permitted special classes of evidence (such as informers) in cases involving them.[1]

To illustrate the process and the effects of becoming a "criminal tribe" this essay will focus on the Bhils. Attempts to identify this group reveal some of the problems early British administrators solved neatly by categorizing them as a "criminal tribe." In the extensive literature of the last one hundred and fifty years, Bhils have been characterized as follows:

1) descendants of Dravidians, or pre-Dravidians, or Mundas, or pre-Mundas;
2) autochthonous inhabitants of Central India or recent immigrants from Rajasthan;
3) animists, or Hindus;
4) farmers, or hunters-and-gatherers;
5) racially distinct people, or indistinguishable from lower-caste Hindus;
6) outcastes or "no-castes;"
7) inhabitants of hilly terrain, or of the plains.

All of this sounds confusing; I think it should. The common criteria for defining ethnicity are not readily applicable. Bhils, for example, do not have a common language; they speak some variant of the local plains language. Further, they do not share a common origin myth or pantheon of gods; their gods tend to be local or adopted from the

Hindu pantheon. Even lineage names are shared with Rajputs. Still, there are at present nearly three million people termed Bhil in the census inhabiting a broad triangle touching Rajasthan, Gujerat and Central Khandesh.

THE HISTORICAL BACKGROUND

The first--and probably the best--attempt to piece together a history of the Bhils in the Mughal-Maratha period is in an official letter by John Briggs, first Commissioner of Khandesh, in 1825.[2] Based on interviews, Briggs concluded that prior to about 1600, Bhils lived mainly in Baglana, an isolated tract in northeast Maharastra, and possibly in other pockets in the hills separating Malwa from Rajasthan. During the Mughal period some moved into areas that controlled passes into the Khandesh valley (either from the north or the south). With or without government grants, they collected levies from passing caravans and plains villages below the hills.[3] Government policy fluctuated between conciliatory grants and punitive raids.

When Maratha rule replaced Mughal authority in the early eighteenth century, the basic facts remained the same. Bhils continued to live in the most ecologically vulnerable environments. Their shifting agriculture was primitive; it yielded little spare resources to store for the periodic droughts in the hill areas. Those in the hills hunted with bow and arrow. The culture was largely self-sufficient, maintaining its own priests, holy places and spirit-possession ceremonies. Some came down from the hills to trade forest products at large fairs. They continued to "tax" or raid both caravans and plains villages.

To control Bhils, the Marathas tried both "carrot" and "stick" tactics. A few Bhil leaders were given grants specifying certain rights (such as duty from travellers) in return for protecting the passes. More commonly, Bhils were offered jobs as watchmen of forts or gates. Still others were encouraged to settle on the plains and become peasant cultivators.

Even in the best of times, however, there were raids on the plains villages. The Maratha response depended on the effectiveness of the local official, the *kamavisdar*. Normally the Maratha official levied a special tax, termed Bhil-*patti*, on villages most threatened; the tax was used to hire more troops.[4] The cavalry chased Bhils up into the hills, often summarily killing those they caught. Alternatively, they extracted hostages and sureties. Throughout

the period, there was a high level of mutual mistrust between the plains government and the Bhils.

Equally important for an understanding of "criminal tribe" ideology is the twenty years of chaos that preceded the British conquest of 1818.[5] Around 1795 three important Maratha chiefs died who had had extensive estates in Central India. In each case the succession was disputed but the central Maratha government at Poona was no longer strong enough to arbitrate. Warfare raged across all of Central India. Irregularly paid mercenaries looted villages throughout Khandesh.

In the second decade of the nineteenth century, supra-local government disappeared. On the plains, there was extensive depopulation. The remaining inhabitants sought refuge under the walls of forts, which proliferated.

What of the Bhils in this downward cycle? Bhils were implicated as raiders in the adjoining hills. The reasons are familiar. They include weak central government control and general animosity toward peasants on the plains. In addition, there was increased ecological pressure on the hills in the period of chaos. Bhils, who had settled on the plains as cultivating peasants or watchmen, were subject to the same periodic looting as other peasants. Many retired to the safer (but also less productive) hill areas, found leaders and raided the remaining villages.

THE BRITISH CONQUEST

The British conquest of Central India was anything but simple. The final military campaign of 1818 involved over one hundred thousand troops; they attacked various heirs, members and subsidiaries of the Maratha confederacy, while nominally supporting others. After the campaign, negotiations stabilized relations between the British and the remaining native powers. The settlement of these claims and counterclaims sometimes dragged into long court cases, but, by and large, British "pacification" techniques were successful. The policy rested on an elaborate network of subordinate treaties which guaranteed the rights of the larger Maratha houses--Sindhia, Holkar, Parwar. More importantly, it guaranteed the lands and rights of the subordinates of the Marathas, mostly small Rajput houses. The immediate result of these treaties was peace on the plains of Khandesh and Malwa, an area ravaged by two decades of war. The short term prospect was indirect administration, a welcome solution for an area the Bombay government had neither money nor manpower to administer directly.

The new government was to be strictly modeled on Maratha lines. Mountstuart Elphinstone, Commissioner of the Deccan in 1818-1819, then Governor of Bombay (1819-1827) defined this goal carefully:

> The basis of my system is that nothing ought to be altered without great and apparent necessity, at all events not until we thoroughly understand the present system, and see how it works. I am convinced that the Maratha system, if cleared of abuses and vigorously acted on, will be very well for the people, and I should dread to see judges and chaprasses almost as much as missionaries. The country ought not to be made over to the regular Government until we have determined by experience how it ought to be governed.[6]

The new British government was to explore the contradictions in Elphinstone's statement for several decades, especially the contradiction between conserving the Maratha system and clearing abuses. It was to be a "Maratha" system, without a functioning king, or the patronage, kinship and friendship loyalties which had formed the ever-changing factions of the previous century.

From the outset it was clear that conserving the Maratha system meant retraining a whole class of Brahmin local administrators, none of whom could tolerate the Bhils. Henry Pottinger, then Commissioner of Khandesh, summarized the situation in 1822 as follows:

> I have found very considerable difficulty in bringing the Kumavisdars and their assistant collectors to understand the delicate nature of their interference with the Bheels. Those men had been accustomed some from long habit, and some from imbibed prejudice, to esteem the Bheels a set of desperate and unprincipled marauders, with whom it was derogatory to government, and unbecoming their own individual station, and even caste, to hold intercourse, and towards whom it was equally absurd and unnecessary to preserve any good faith beyond that dictated by the exigency of the moment.[7]

The Brahmin administrators naturally saw the settled, agricultural peasants of the plains as subjects deserving of attention. Plains peasants after all, paid taxes, were generally predictable, and incidentally supported caste, *dharma* (sacred duties) and the Brahmins. No empire was

founded on the Bhils; they ate meat, had no particular caste distinctions, supported no Brahmins and moved about in the most puzzling ways.

The British administrators had much innate sympathy for their Brahmin subordinates' position. Across all of Central India, they had created new jurisdictions, from large rajadoms to tiny zamindaris. Their model was, of course, the landed nobility of England and their hope was that the new aristocracy would stabilize the country and make natural allies for the new British rule. These subordinate treaties unintentionally defined a "heart-land," the same plateau and river valleys as Mughal and Maratha times. Defending these heartlands and the transportation lines between them made the hill people enemies and created a precarious situation. First, the British were conserving a Maratha administration which had never evolved an effective method for dealing with Bhils and other hill groups. Second, their Brahmin subordinates hated Bhils. Third, they were legally and ideologically committed to defending the valleys, so vulnerable to attack from the hills. Finally, they were understaffed and aware that their tax base was a recently ravaged and depopulated country.

BRITISH POLICY, 1820-1830

British policy proceeded in four overlapping stages. Initially, the British responded to attacks on caravans and cattle-lifting with military forays into the hills. In the short run, the policy failed for a number of tactical reasons:

1) A large foray could not move quickly enough through the forested hills to catch the Bhils.
2) Small forays were often unable to cope with rapidly-assembled groups of one hundred to two hundred Bhils.
3) Pursuit was thwarted by the many boundaries with native states.
4) Troops could only be sent into the hills in dry season because the monsoons stopped all operations.
5) Diseases, especially malaria and cholera, were common in the hills, so troops could not be permanently stationed there.[8]

In the second stage, the new British men-on-the-spot, particularly John Briggs and Henry Pottinger, tried a dif-

ferent strategy. Having learned that Bhils fought under leaders termed *naiks*, Pottinger and Briggs sought out these *naiks* and tried to sign treaties with them, in order to extend the system of treaties and landed nobility from the plains into the hills. The pattern was familiar. The leader would guarantee the conduct of himself, his family, and his followers and in return, the British would recognize rights, payable by the Bombay government from general revenue.[9]

The plan was probably doomed from the start. Neither the British nor the Brahmin subordinates had lived among the Bhils, and they had no idea of the Bhil social structure. As Pottinger reported: "It is very difficult to define what the precise powers of the Bheel naiques are, because the shortsightedness of the Maratha authorities never led them to consider the subject as deserving a thought, and consequently we have no experience to draw conclusions from."[10] Nevertheless, the officers pushed on, making treaties where they could. In some cases it was with several brothers, in others with the wife of a deceased leader, in still others with two generations of the same family. Even Pottinger conceded that these *naiks* were only leaders of mercenary bands which had grown up in the preceding twenty years of anarchy. That the *naiks* could control their nominal followers was little more than a pious hope.

By 1823 John Briggs in Khandesh and John Malcolm in Malwa realized that more than military tactics were wrong.[11] The treaty system which had brought peace to the plains did not work in the hills. The *naiks* had little long-term authority, losing followers as soon as they stopped raiding.

The failure of both the intitial military forays and the treaty system was frustrating as Pottinger's remarks to a less than sympathetic official Bombay audience in 1822 reveals:

> I really doubt we had reasons to hope for greater success than has been attained: for while there probably is nowhere a people with less inducement to lead peaceable lives, and in every respect so devoid of principle, and of local or personal ties and attachments as the Bheels, neither is there in all a country of equal extent, and in such jungly and barren state, and so overrun with marauding race, where on the whole fewer excesses, many as there are, are now committed.[12]

It was in this atmosphere of failure and frustration that some very basic questions were asked. This questioning

formed the third stage in the development of the "criminal tribe" ideology. Again to cite Pottinger:

> [I]t makes all the difference of placing the Bheels in this discussion, either in the situation of a deeply injured and initiated race or in that of a tribe who had by long licence to the most lawless habits rendered themselves obnoxious to the severest penalties. In the one case it would follow that we had not long enough tried to sooth their passions excited by tyranny and oppression....In the other it may follow that we forbore too much...[13]

To settle this issue the Bombay government kept returning to four central questions:

1) Were Bhils a corporate, identifiable entity?
2) Were they, and had they always been, separate from Hindu plains society?
3) Did robbery and plunder form a regular, expected part of their yearly income?
4) Did their beliefs and myths glorify and support this robbery? All four were dubious propositions, at best.

For example, in his first report on Khandesh, in 1820, Briggs doubted their separation from Hindu society. He pointed out that the Bhils were often employed as village watchmen on the plains and that many had taken to robbery only when their villages became deserted during recent wars. He also noted that Bhils apparently had no language of their own, but spoke some version of the plains languages, whether Gujerati, Hindi, or Rajasthani.[14]

The Bhils, however, played to some primal British fears because they lived in the forest, beyond the bounds of the law. The Bombay administration could not fail to draw parallels to the inhabitants of the great British forests: outlaws, escaped tenants, bandits, poachers, or in older days, knights in trouble. To flee to a forest meant forfeiting all rights and property, all contracts; to be caught in the forest, without good reasons, often meant death.[15] As for the Bhils, their entire population *lived* in the forest. The fears underlie John Malcolm's description of the Bhils.

> Existing as they have hitherto done, under despotic governments, which placed them beyond the pale of

> civil society, and which not only gave them no encouragement, or protection, but authorized the lowest of the fiscal officers to take their lives without trial, considering themselves a proscribed and condemned race, ignorant to a deplorable degree, believing in witchcraft, blindly obedient to the orders of their chiefs, subject to extraordinary privations, and constantly exposed to danger from their fellow creatures, and from the ferocity of wild beasts, with whom they share the forests, the Bhils have, in consequence, became the enemies of order and peace. They have cherished predatory habits as a means of subsistence; and receiving no mercy or consideration, they have sought, from natural and simple impulse, to revenge the wrongs they have sustained. Time has interwoven their habits of life, and feelings, with their superstitions, until they actually believe that they were created to prey upon their neighbors.[16]

In the minds of the British administrators, if the Bhils continued to resist and obstruct the civilization and benefits of British rule, then something was seriously wrong with them. Their thinking followed a process which sociologists term labelling. "The question is raised. 'What kind of a person would break such an important rule.' And the answer is given, 'One who is different from the rest of us, who cannot or will not act as a moral human being and therefore might break other important rules.'"[17] The Bhils' recalcitrance, refusal to sign or honor treaties and reluctance to stop raids on vulnerable plains villages was generalized to imply total moral degredation.

Some remarkable flights of conjectural history infused the building of "criminal tribe" ideology. Even the normally sober John Malcolm concluded:

> [W]hen the Brahmans had established their superior rights and privileges, numbers of inhabitants of India, who adhered to their own superstitious practices, would be deemed outcastes; and as such, would be compelled to fly to the woods and mountains, in order to find refuge from persecution and oppression, in a life of poverty and privation. Similarity of condition and care of providing for their security, would produce union among men thus situated, and they would divide, according to circumstance, into separate families and tribes, who though condemned by the higher classes of Hindus, might in the course of time

> be expected to amalgamate, in some degree, with those impure tribes, who, though sprung from the four privileged classes have been subsequently degraded, on account of their spurious birth.[18]

Why, then, was the Bombay government, on so little evidence, anxious to establish that Bhils were a corporate group, cut off from Hindu society, with a mythology that supported regular, organized robbery? The reason is quite straightforward: being sure that the Bhils were habitual, professional robbers simplified the problem for the entire concerned bureaucracy. Early nineteenth century notions of crime in England defined serious crime as crime "committed on a regular basis by professional criminals who have no other occupation."[19] This was the crime that concerned magistrates, prison chaplains and others who gave evidence before numerous commissions and wrote in newspapers. Criminals were widely thought to be a class, even a race apart from normal society. The ferocity of punishments reflected the perceived threat to society. In the opening of the nineteenth century, there were forty offenses for which the death penalty could be invoked; transportation lengthened the list considerably.

The final stage in the making of a "criminal tribe" was evolving a practical strategy to contain them. The British first tried well-worn tactics. With Bhils safely outside society as a "criminal tribe" there could be no moral restraint on attacking and burning Bhil villages, holding a clan responsible for individual robberies and frequently sentencing them to death and transportation. But even these draconian measures failed. For "notwithstanding the loss by death or confinement of many of the more prominent insurgents and that great and reasonable inducement to accept terms had been held out, little sensible progress was attained."[20]

In desperation, Elphinstone, the Governor of Bombay, argued for the formation of a local light infantry composed of Bhils; set a Bhil to catch a Bhil. It could not have been an easy shift in policy for Elphinstone to make because of his long-standing commitment to the conservation of the Maratha administrative system. The immediate pressure for a new plan was economic. There had been a severe famine in 1824, lowering revenue; even in non-famine areas, the initial settlements proved far too high and had to be scaled down by one-third or more. With the continuing high administrative costs, Bombay could not afford a large number of regular troops in Khandesh even if they had been relatively

effective against the Bhils, which, to date, they had not been.[21]

John Briggs, Commissioner of Khandesh, vigorously opposed the new plan. For him, Bhils were a proven criminal tribe. To train and arm them, he believed, was only to encourage more cattle-lifting and robbery when the inevitable desertions would happen. John Malcolm, the Commissioner of Malwa, also expressed ambivalence about the new approach: "The common answer of a Bheel, when charged with theft or robbery is 'I am not to blame. I am Mahadeo's thief.' In other words, my destiny as a thief has been fixed by God. It is this superstitious impression which offers a great, but not insurmountable obstacle (as it has been too rashly termed) to their reform."[22]

REDEEMABILITY

In the deliberations over the Bhil question, writ small, was one of the major social debates of Victorian England about the redeemability of the lower classes in general and the criminal classes in particular. It was a debate on fundamental human nature and ran the gamut of Poor Law reform, the extension of the vote, prison conditions, even corporal punishment in the navy. During the first half of the nineteenth century, public opinion generally moved in the direction of redeemability. By 1850, there had been, for example, major reforms in the Poor Law and two extensions on the vote. Pamphleteers and politicians argued that with the right moral education, steady work, less drink, and firm, compassionate leadership by the upper class, anyone--no matter how lowly of birth--could be a reliable citizen.

For the Bhils, too, redeemability won out. Over Briggs's objections, Elphinstone sanctioned the Khandesh Bhil Corps. Thus, the arguments of the moral uplift for the recruits of steady work, education and contact with firm, compassionate superiors meshed nicely with the immediate British need for cheap, tough jungle trackers.

Much to everyone's surprise (probably including Elphinstone's) the system worked. James Outram, the twenty-two year old commanding officer, first convinced five young outlaws to join him as personal bodyguards. Over the next six months, he recruited one hundred more Bhils, conquered rumors that the men were to be transported, and gradually introduced uniforms, drill and finally weapons. Within a few years, the Khandesh Bhil Corps proved so effective against hill groups who raided either travellers or villages

that the plan was copied in the Malwa Bhil Corps and Rajasthan Bhil Corps.

THE EFFECTS OF "CRIMINAL TRIBE" IDEOLOGY

Consider the effects of the "Criminal Tribe" ideology and some wider implications. To begin, what of the effects on the Bhils themselves? Once identified as a criminal tribe, Bhils were not generally rehired as village watchmen and fort guards when peace returned to Khandesh. Those remaining on the plains were strongly encouraged to settle and become cultivating peasants. These Bhils were settled in their own villages and subsidized loans offered for beginning agriculture. George Giberne, then making settlements in Khandesh, visited the hamlets in 1828,

> ...which I trust will add considerably to the wealth and prosperity of the country. I allude to the settlement of the Bheels under Captain Ovans, the agent. I have visited nearly all the colonies under him during my circuit, and the interest is deeply excited in how rapid an advance to civilized life is observed. A kind of village pride appears to have arisen in the minds of those longer established, the longest term embraces a period of $2\frac{1}{2}$ years...[23]

These were termed plains Bhils and not considered a threat. In fact, settling in agriculture on the plains was the only way a Bhil family could "redeem" itself, other than by taking up service in the Bhil Corps. This pressure accentuated differences between plains Bhils and those remaining in the hills. A century later in the 1960s, plains Bhils were described as indistinguishable in dress and speech from lower-caste Hindus and no longer intermarrying with hill Bhils. For those remaining in the hills, there is a cultural pride in their separation from Hindu caste; a part of their own cultural heritage includes a large measure of inter-clan violence, both cattle-lifting and wife-abducting.[24] March is the season for abducting a wife if a Bhil cannot raise the necessary dowry; May through August when crops are growing and food scarce is the time of house-breaking. Many Baujis or deified folk heroes are "men who died in an act that is unlawful for those who do not belong to the community."[25] One suspects that, like Scottish clans, these are long-standing elements of the culture, but it is equally plausible that the Bhils have internalized the idea of being a "criminal tribe."

Bhils, like so many others, were affected by being defined as a group, in this case a tribe. Over the two centuries from 1600 to 1800, there had been a slow, hypergamous drift of Bhils becoming Rajputs. The effect of categorizing Bhils as a criminal tribe appears to have slowed hypergamous marriages, meanwhile encouraging Rajput origin myths.

What of the effects of "criminal tribe" ideology on administrative thinking? Much of the Victorian thinking on crime has been subtly incorporated into thinking about hill peoples in India, right down to the present. They are, at bottom, seen as a problem. Themes of moral uplift, technical education and prohibition of alcohol run strong in the literature. In addition, when issues of how hill peoples relate to plains peoples are discussed the terms of debate strongly recall Victorian ideas of a criminal underclass.

CONCLUSION

The development of the idea of the "criminal tribe" was the merging of two intellectual traditions, both with deep roots. First, there was the tradition of the Brahmin subordinates of the new British rule. Theirs was the plainsmen's fear of the forest, the cultivators' fear of hunting-and-gathering peoples, the high-castes' fear of people without caste, the Hindus' fear of non-Hindus and the bureaucrats' fear of an uncontrollable population. To this was added the strangely parallel British tradition; it included a long legal association of migrating with "vagabondage" and the association of forests with crime and outlaws. To this mix were added the more recent ideas of criminals as a race apart, and finally, in line with nineteenth-century ideas of progress, the idea of redeemability. This entire heritage became crystallized and "institutionalized" in the criminal tribe laws of nineteenth-century India.

CHAPTER SEVEN

COLLECTIVE CRIME AND AUTHORITY IN NORTH INDIA

Sandria B. Freitag

> While I was in the Civil charge of the district of Nursingpore...no ordinary robbery or theft could be committed without my becoming acquainted with it; nor was there a robber or a thief of the ordinary kind in the district, with whose character I had not become acquainted in the discharge of my duty as magistrate; and if any man had then told me, that a gang of assassins by profession resided in the village of Kandelee, not four hundred yards from my court, and that [in the] extensive groves of the village of Mandesur, only one stage from me...was one of the largest Beles, or places of murder in all India; and that large gangs from Hindustan and the Deccan used to rendezvous in these groves, remain in them for many days together every year, and carry their dreadful trade along all the lines of road that pass by and branch off them, with the knowledge and connivance of the two landholders by whose ancestors those groves had been planted, I should have thought him a fool or a mad man; and yet nothing could have been more true...[1]

The speaker was William Henry Sleeman; the subject was thugs. Though both the definition of criminality and Sleeman's career are at stake here, the real point to the reminiscence revolves around the issue of authority. What mattered most was that he was ignorant of events happening within "yards" of his compound: events which had been organized over large distances, involving large numbers of participants. Ignorant, he was unable to impose the state's ultimate authority to maintain order. The remainder of the book from which this citation is taken chronicles the efforts of the Raj to impose this authority, to shortcircuit the movements and organization of such large gangs.

There are many approaches that could fruitfully be used on the subject of collective crimes such as thugi, including

an analysis of the place in a fluid economic and political environment of such peripatetic criminal groups, as well as the social and political implications in a colonial society of the very act of defining criminality. It seemed most helpful, however, to use this opportunity,[2] to focus on the infrastructure created by the British to deal with what they defined as criminal and, particularly, on the relationship between their perception of authority and crime.

Not coincidentally, most of the crime which preoccupied them was collective activity. In part this no doubt relates to the collective nature of life in India. In part it also reflects the fact that many of these collective actions were intimately connected not just to crime, but to indigenous values which were challenged by the British style of rule. But it reflects as well the peculiarities of a colonial system which combined formal institutionalized mechanisms of control with the informal manipulation of indigenous social networks for state purposes. Much individual crime could be controlled through the latter; it was predominantly collective crime--especially "extraordinary" collective crime--which demanded the creation of an elaborate infrastructure to impose a particularly British concept of state authority.

It is not surprising that this issue of authority informed the actions of the British; but the evidence also suggests that many of the groups committing collective crimes within the Raj were also aware of and concerned about who exercised such authority, how it was rationalized and ritually expressed and whether leaders of indigenous groups chose to clash with or accommodate the ultimate authority exercised by the British.

We must therefore begin with an analysis of the differences in perceptions of authority. (What follows is a rough model, obviously overstated so that the contrast will be readily apparent.) The concept of authority for the British was an exclusive one, encompassing both *power*, in the sense of the ability--through institutions and brute force--to coerce and effect change, and *moral influence*,[3] in the sense of providing the ultimate source for norms, and definer of what was appropriate. This conflation of power and authority was an innovation in the subcontinent. The *power* of the state had always to be reckoned with, and no ruler had compromised his ability to coerce when challenged. But Indians had practiced a divisible, or perhaps more accurately, a "discrete" perception of authority.[4] Though we have no written sources to explicate this perception, it can be extrapolated from the reactions of Indian actors at

moments of crises (as shown in the preceding chapters and as will be evident from the examples which follow). In a hierarchically organized society each discrete social unit had its locus of moral authority which in turn--as recognition of the coercive power of layers above it--owed at least a symbolic obeisance (and perhaps concrete contributions as well) to outside powerholders. Such a "discreteness" was important in ensuring that the culturally distinct characteristics and practices of any community could be protected: the powerholders were disinclined to interfere with the value systems--the sources for group specific definitions of authority--of the units of the Indian society under their sway, so long as their demands were met.

The British, to some extent unwittingly, changed all of this. Their notion of authority differed substantively from indigenous practice. Collective criminal actions were perceived by the British to be either directed against, or resulted in the weakening of, the authority of the state. The British saw authority as exclusive; they could not share it at any level with those whom they ruled. Compare, for instance, the British and Mughal approach to dacoity. The Mughals held the local administrator responsible for solving dacoit crimes;[5] the crime was not seen as any reflection on the empire's ability to rule. By contrast, the British repeatedly felt the need to launch centralized anti-dacoit police forces and viewed their inefficiency as a measure of the Raj's impotence. Indeed, Sleeman's remarks cited at the beginning of this essay, express the British assumptions clearly. Even in those instances when the administration thought it was protecting alternate agents of authority, such as the zamindars of Bengal or, ultimately, the *taluqdars* of Oudh, it inevitably hedged them about with limitations, or altered the nature of their rule by freezing it through legislation.

This is not to suggest that we can juxtapose to the coherent British definition of exclusive authority a single, overarching value system shared by all of these Indian actors. It is very difficult--at least in the nineteenth century--to sift from the evidence indications of a shared "moral economy" such as that found by scholars in premodern Europe.[6] At this initial stage of research, at least, all that can be discerned is the exercise by powerholders of a principle of non-interference: a principle which then allowed group-specific values to operate.

To reach the full complexity behind this model, it would be necessary to discuss at once (1) culture- and concept-specific definitions of criminality and their rela-

tion to concepts of the state; (2) evolving methods of crime control as they related to changing ideological and practical concerns of both Raj and ruled; and (3) the relationship of changes in Indian social structure and economic organization to the definitions of authority and perceptions of legitimacy of collective criminal and protest activities. Most important, all three levels of analysis must be seen as dynamic, part of a process of change in which they interacted with each other and in which all three changed over time. Though no precise periodization can be imposed on the process, the concerns of a trading company were obviously different from those of an imperial government attempting to combine limited capital development with maintenance of the status quo in the countryside. More important, the state did not triumph as the premier political formation, capable of enforcing its notions of authority, until the 1830s. As C. A. Bayly has recently shown, "the land revenue-based state and settled agriculture did not occupy the whole of the social and geographical space of the area" of the Gangetic plain until early in the nineteenth century.[7]

For the purposes of this chapter and the other studies in this volume, however, it wil be possible to concentrate here on the second level, as it related to the nineteenth and early twentieth centuries, so long as we remember that we have isolated one part of a complex process. By the 1860s, for instance, British notions of exclusive authority for the first time had been expressed in a coherent control apparatus; two decades later the number and background of those able and concerned to effect the exercise of "moral influence" within segments of Indian society were changing dramatically; and after the 1920s many Indians had taken over the British notion of exclusive authority, but had substituted themselves at the heart of the definition. Similarly, the interest and ability of the Raj in molding these definitions evolved over time as well: before the mid-nineteenth century there was little need or concern to do so. The late nineteenth century was the high point of British interest and effectiveness in imposing their own definitions of authority. By the 1920s circumstances had shifted so conclusively that the British had to share with, and eventually relinquish authority to, Indians who had appropriated the control apparatus of the Raj.[8]

The following sections trace the changes which occurred within this chronological framework. In particular we examine the infrastructure created by the British through the processes of codification, creation of special-problem forces and reform of the police establishment. Finally, we

look at the application of this infrastructure to the types of crimes discussed by the other chapters in this volume. In the course of this last section we suggest some broad patterns in the definition of crime and authority in the subcontinent.

CODIFICATION

The Civil and Criminal Codes for India[9] were promulgated at much the same time, and were based on very similar philosophical assumptions, even if the tactics in each differed. What differences there were between the two codes were historically conditioned, for though the Criminal Code was adopted in 1861, it had in fact been completed by Thomas Babington Macaulay in 1837. As such it was the product of a very different era, and of men motivated by reforming ideals at some variance from the more cautious, socially conservative administrators of the post-Mutiny era.

For our purposes it is necessary only to examine the Criminal Code, which was informed by a British concern to reinforce their authority. To Macaulay the existing criminal code of the early nineteenth century was appalling. He shared this concern with his mentor, James Mill, who designed the position of Legal Member on the Governor-General's Council which Macaulay filled; and with his Governor-General, Lord William Bentinck. The existing Code was a hopeless patchwork of East India Company regulations enacted by each Presidency to supplement the Muslim and Hindu laws previously assumed to be in use in those areas.[10] Not only did this amalgam embrace contradictory definitions of criminality (in Muslim law, for instance, the infliction of personal injury was not considered a crime against the state), but it permitted a wide variation in standards from Presidency to Presidency. Macaulay's new code, by contrast, was to be standardized and impartial throughout, to be non-technical and therefore easily accessible to those affected and to be based on "universal" principles.

It is in this notion of universality that Macaulay was most British in his assumptions. Of course not everyone in England subscribed to the Benthamite principles of utility,[11] nor to the goal of maximizing pleasure while inflicting the minimum of pain necessary to control anti-social tendencies. And Macaulay self-consciously rejected the existing English criminal law as being itself in too great a need of revision. But there could not have been any "universal principles," for Utilitarian concepts of what were and

were not criminal actions differed from the Indian notions of crime. The British were at least partially aware of this discrepancy, as attested by the discussion of a "murder" of a leper to protect his family and social group from the disease. The police knew they were very unpopular in arresting the so-called murderer, and understood that the action had been deemed socially acceptable by the Hindu society in which it occurred.[12] There was, moreover, a discrepancy between Macaulay's basic assumption that a universal standard could be discovered and applied,[13] and earlier Hindu legal provisions which adjusted expectations and punishments to fit the ritual and social positions of the defendant and victim.

This is not to say that the Criminal Code did not take the Indian social context into account; even Bentham had discussed the necessity for this in his "On the Influence of Time and Place in Matters of Legislation." Thus, Macaulay adjusted the definition of "injury," for instance, to include actions which would harm the *caste status* of the victim. He observed:

> That on these subjects our notions and usages differ from theirs is nothing to the purpose. We are legislating for them, and though we may wish that their opinions and feelings may undergo a considerable change, it is our duty, while their opinions and feelings remain unchanged, to pay as much respect to those opinions and feelings as if we partook of them.[14]

Nonetheless, he hoped to minimize such accommodations in favor of the universal. The guiding principle, emphatically, was "Uniformity where you can have it; diversity where you must have it; but in all cases certainty."[15]

Certainty there was. In a terse and untechnical two hundred pages the entire Criminal Code was defined, illustrated by specific cases and accompanied by explanatory notes. Nothing not included in the Code was to be considered law. And though Macaulay's interest in equal justice before the law, and in freedom of expression, were embodied in the code, it is the authoritarian and not the libertarian side of Utilitarianism which reigned, codified. The code was, in Macaulay's words, the tool of a "firm and impartial despotism."[16] Any measures of despotism missing from the Criminal Code were incorporated into the Code of Criminal Procedure adopted soon after, for the latter placed the emphasis on preventative measures, especially against unlaw-

ful assemblies and the posting of bonds for good behavior.[17] It was no coincidence that the despotic implications of Utilitarianism were thus developed. The British never forgot that the Indian context did not merely provide a hothouse environment in which to conduct Benthamite experiments, but what was more frequently a hotbed of challenges to their authority. It was preservation of that authority which dictated the emphasis first on control, and only secondarily and when convenient on individual liberty. The codification of law was an important part of that process of preservation. Equally important were the institutions the British developed to implement the legal codes. Two of the most important of these are discussed below.

THE THUGI AND DACOITY MODEL

British efforts to control crime before the mid-nineteenth century were characterized primarily by their piecemeal nature. Though the work culminating in the 1860s in the Criminal Code and the newly-structured Police Administration was begun decades earlier, and was in turn founded on even earlier experiments particulary in Bengal,[18] the desire for uniform, subcontinent-wide institutions did not predominate until the 1860s. Even then, of course, the operative unit was always the province, and administrators still assumed that these larger systems might have to make accommodations to different local circumstances. They also tacitly admitted that certain problems--like dacoity--could never really be handled successfully by the police establishment. Nevertheless, after mid-century the larger system was taken as the norm and some effort was made to impose uniformity throughout the Raj. Indeed, statistical reporting methods implied more uniformity than may actually have existed.

Before this, however, the control mechanisms pursued by the British were both more territorially localized and more problem-specific, focusing on combating particular types of crimes in particular places. Perhaps the most important of these mechanisms, both for the degree of success it was adjudged to demonstrate, and for its use as a model for the crime eradication programs which followed, was the campaign launched in the 1830s against thugi.[19] The tactics used by the creator of the program, William Henry Sleeman, were not unique, since many aspects had been pioneered in Bengal by Blacquiere.[20] But the project caught the imagination of the administration as well as the British public, and seemed--at

the time at least--to have been extraordinarily successful.[21]

Much of its popularity with administrators, however, came from its repressive shortcuts, for the program was designed to detect and convict criminals efficiently, not to protect the innocent. Sleeman himself listed the advantages of the special system developed against thugs.[22] The central strategy was the "approver" system of informers. Previously-convicted thugs were offered suspension of their sentences in return for testimony identifying other members of their gang and detailing the crimes committed by the gang. Often this was the only direct evidence against accused thugs, and the especially created "Thuggee and Dacoity Department" (hereafter, T & D) sought out corroborative evidence and testimony of even insignificant details to make its veracity convincing. Because the judiciary profoundly mistrusted this approach, the T & D won government approval at first to try the cases before Special Commissioners. Another crucial accommodation was the judicial finding that though it was necessary to prove that a particular gang committed a particular crime, it was then sufficient to prove that an accused man belonged to the gang, not that he committed a specific crime. Finally, cooperating thugs were thereafter established, at government expense near T & D officers, in colonies with their wives and children. Frequently the leaders were also given positions in the police establishment.

Sleeman was aware of, but undisturbed by, the fact that this program abrogated some of the already limited protections for the accused; he chafed particularly at court-established limitations over rules of evidence inhibiting the use of informing "approvers." He insisted that "in a country like India," officials who worried over-much about the possibility of the innocent suffering would be unsuccessful in bringing in the guilty.[23] Indeed, he argued elsewhere that if the evil was great enough, the government should take extreme measures to control those with criminal tendencies.[24] Such suggestions strike a recurring refrain which emerges in any study of criminality--the tension between judicial protection of the individual, and enforcement officials' concern to capture the guilty--but under the British Raj the debate took a special shape, for decisions were made there which consistently put as first priority neither matters of prevention and protection for those being ruled, nor safeguards for those pursued, accused and convicted, but the demonstration of the strength of British power and authority.

A personal view of this concern for authority--in terms of both a sense of powerlessness, and a fear of an alternate source of norms--emerges in those reminiscences of Sleeman which open this chapter. It is in this characterization of thugi as an *organized conspiracy,* encompassing "large gangs" in close communication, who operated undetected within "yards" of Raj administrators, which made it significant to the British. And so, for the first time, a concerted, large-scale control effort against murder and robbery was organized and supported by the government, though murders and robberies had long been committed in British territories.

Once this pattern of detection and conviction was established, it was seen as the answer for each new conspiracy discovered thereafter. Thus Sleeman expanded his operation first to include groups who did not fit the original definition of thugs--such as those involved in "megpunnaism" (kidnapping and sale of children)--then in the 1840s the act was extended to include first dacoits and then the gangs of poisoners who were discovered operating in British territory. And once the mechanism had been established, it proved impossible to reverse the trend, for challenges to British authority superseded each other quickly. Even with the establishment of police administrations in each province, the T & D Department continued to seem necessary, providing coordinated, inter-provincial intelligence information. Indeed, as we shall see, it was the T & D Department which gradually evolved into the Criminal Investigation Department (CID) when threats to British rule began coming from nationalists rather than bandits. Moreover, those like Sleeman with a professional interest in perpetuating a larger control establishment could always sound dire warning that

> ..the old Thug Associations which have been now effectually put down in all parts of India...would assuredly rise up again, and flourish under the assurance of religious sanctions and the strong and almost irresistable, disposition of the loose characters of the lowest class in India...and new [associations] would be everywhere formed were the strengths of the special police, employed in the suppression, hastily reduced or its vigilance relaxed.[25]

Thus, when in the 1860s concerted efforts were made by the government to increase the efficiency of its control apparatus, the T & D remained in existence to accompany the

development of law codes and the reorganization of the police administration. This new vision of the late nineteenth century relegated the intelligence gathering, in which the T & D had excelled, to but one aspect of a much more comprehensive program. Before this could happen, however, the Government had to rework and expand its police administration.

THE POLICE ESTABLISHMENT

The Utilitarian standard, intended to be universally applied, in fact was not uniformly implemented. In the first place, implementation was more or less faithful from district to district, depending on the disposition of administrators on the spot. In the second place, there was a clash of aims and purpose between the two legal arms, the Bench and the Police. How that friction affected Indians is well illustrated in the reminiscences of a police superintendent:

> ...[with one exception] *all* cases were padded with false evidence. [The police] said they only added evidence in cases which they were convinced were true but justified themselves by contending--quite correctly I believe--that without added evidence almost all cases would fail on appeal. The High Court continually issued Judges Rules and both District Magistrates and the Police regarded it as their duty in the interest of law and order (which did not interest the judges) to circumvent them...[26]

Thus the institutional structure posed the judicial concern for protecting the individual against the police concern for law and order and, as had happened in the design of the Criminal Code, it was the latter which took precedence, even when the Code had built-in protections. The lengths to which protection of the individual could be ignored by the administrator on the spot is suggested by the proud 1942 boast of a Superintendent of Police that, after arresting local leaders of the Quit India movement in his area, and without waiting for tedious trials, he simply whipped the protestors with his dog whip, afterwards congratulating himself on this application of "rough and ready justice."[27]

Clearly this response was outside the governmental apparatus set up to enforce the British definitions of criminal behavior. It was different in degree not in spirit,

however, from a number of police procedures developed in the late nineteenth century to strengthen control over the populace. We have seen how the evolution of the T & D department paralleled the Raj's preoccupation first with thugs, then with dacoits, who remained to plague officials periodically throughout the twentieth century.[28] Indeed, the British had to develop an administrative distinction between the "technical," legal definition of dacoity--as a premeditated robbery involving five or more people--and the original "professional" dacoity, committed by bandit groups. With the reorganization of the Indian police in the 1860s, the duties of controlling banditry were taken over by the regular police, and it was agreed that the T & D department would be phased out.[29] As we have seen, however, its Special Branch lingered on, collecting and collating intelligence gathered in the different provinces on activities considered threatening to the government.[30] Moreover, dacoity proved such a recurring problem that special measures were introduced several times in the following decades to meet it.[31]

In much the same way, certain techniques pioneered by the T & D were incorporated into general police tactics in following years. Perhaps the most noteworthy of these was the use of "approvers." This tactic, providing suspension of sentence in exchange for evidence used to convict their fellow participants, had been extremely unpopular with the judiciary. In part because of the careful corroboration of the testimony which the T & D had pioneered, it became more acceptable. The reliance which the British placed on such approvers is of some significance, for it suggests the inability of the Raj to make use of testimony from supposedly disinterested witnesses and victims. It is in this area that the gap between British justice as practiced on English soil, and that possible in an imperial context, is most pronounced. Those involved in the adminstration of justice simply could not assume that victims would come forward to report their losses, for such an act involved them inevitably in humiliating and exploitive investigation by the police, expensive travel, and absurdly prolonged attendance at the court. Sleeman himself acknowledged that:

> We often find it extremely difficult to verify, by a reference to the friends of the deceased, a murder that has been correctly described in these [thug] narratives; and we are very often obliged to authorize the local authorities to give a pledge, that they shall not be summoned to give evidence in a court of justice, before we can induce their nearest relatives

> to acknowledge that the deceased actually disappeared ...No less often have we been obliged to give a similar pledge to bankers, whose money had been taken from murdered treasure-bearers, before they could be prevailed upon to acknowledge that their money had been lost; or allow a reference to be made to their books.[32]

With no shared sense of awe or appropriateness of judicial authority, it was equally impossible to guarantee provision of disinterested information by witnesses or even to determine the truth in the welter of conflicting testimony. Moreover, the problem was exacerbated by the fact that Indian access to the only person likely to share British perceptions on the function of the law--the district officer--was limited by both his linguistic ability, and the self-interested demands and machinations of his supposed servants. Given these severe limitations, it was fortunate perhaps that the Raj had assigned top priority not to protection and the detection of crime, but to the maintenance of its authority through imposition of law and order.

The legislation of the 1870s to control "Criminal Tribes" also drew on T & D experiences. Since Yang's chapter in this volume has described this legislation at some length, it is necessary here only to put the measures in a general context. "Colonization" experiments, the official solution to redeeming these tribes, dated from 1845. In U.P. they were first conducted on the "Budhuks"[33] who were in fact a group earlier identified by Sleeman as an "association" of dacoits. By the 1870s these dacoits had been transformed into a "tribe" or caste, and were in the throes of being "reformed." Introduced in 1871, Criminal Tribe legislation was only slowly extended to all those lawless elements considered by the British as "wandering" and "predatory." Though administrators frequently complained that the Act did not really work, this method of sidestepping civil protections for the accused was so useful that it was greatly expanded in the 1911 revision of the Act. By adding the word "gang" to the authorizing legislation, it became possible to proclaim bandit gangs as though they were criminal "tribes." The proclamation, especially in 1913 and after, paid lip service to the idea that members of a proclaimed gang should be related, but this was no longer really an issue.[34]

That the government saw criminal tribes and dacoits as part of a general threat to British authority is made clear by the Lieutenant Governor's response to the NWP Police Administration Report of 1874:

> Open and declared contempt of authority and the public peace by armed bodies of men, gathered together for purposes of violence, must before all other classes of offenses be rigorously and mercilessly hunted down and in the detection and conviction of the parties concerned no effort neglected.[35]

That attitude, and the emphasis on maintenance of authority, applied as well to forms of popular unrest which similarly threatened the government. The Raj had moved from the problem-oriented, specialized solutions which characterized the early part of the century to more systematic modes of control which expressed the new exclusive notion of authority, now a matter of first priority.

Continual adjustments were made to the various apparatus of control in order to deal with emerging challenges. In particular the establishment of city and then provincial departments of the Criminal Investigation Department coincided with outbursts of protest activities.[36] In 1904 the T & D was finally abolished and a central CID replaced it; the Government of India, aware that revised methods were necessary for collecting information and dealing with organized crime, explained this in a confidential note to the Secrtary of State for India. Thus by 1907, all provincial governments had their own CID organizations. In U.P. the CID concentrated on the "large industrial centres" including Cawnpore, Lucknow, Agra, Allahabad and Bareilly for the labor unrest engendered there; as well as on centers for higher education such as, again, Agra, Allahabad, Cawnpore, Lucknow, and also Aligarh, Benares and Meerut--all labeled "fertile breeding grounds for political and revolutionary activity." Responsibility for collecting intelligence about "political and revolutionary movements as well as industrial unrest" was lodged in the Special Branch, one of the three arms of the CID.[37] Such responsibility extended even to the transfer in 1907 of the task of publishing the translations and summaries of articles in the vernacular press, from the Educational Department to the CID.[38] That the CID should bear responsibility for these translations makes clear why the information was gathered and to what use it was put. Indeed, the CID--perhaps because, like the T & D before it, it operated independently from the police establishment--inherited the special confidence in its ability to control crime as the police could not. As a consequence, it gathered more and more special responsibilities under its aegis. Thus in 1914, the Inspector-General of Police for the U.P. argued that "the new [Criminal Tribes'] Act and rules will

be a failure if they are left to the district police to work by themselves as the former Act was," insisting on inspection by an outside agency. The same note recognized that "jealousy of the district police will always be a stumbling block. But the supervision of criminal tribes must become more and more a matter for the CID and so local objection to CID supervision will probably weaken in time."[39]

At the turn of the century the police also set up the mechanics for the systematic surveillance of what they termed "known offenders." As noted by one of those who developed the system during the following decades:

> We had quite an elaborate system of surveillance in the United Provinces which included periodic reports at the Police Station, domiciliary visits, reporting of absences from the village all of which provided acceptable evidence for prosecution under the Preventive Sections of the Indian Penal Code [sections 109 & 110]. This surveillance system was quite unique in India [it certainly was in U.P.] and one of the most important records of the Police Station was the Village Crime Note Book and History Sheet. This contained a complete record of crime in the village together with a Historical Sheet [dossier] for all active criminals and convicted persons.[40]

Indeed, supervision of certain classes of offenders, particularly in the cities, dated from at least 1898.[41] The information provided by these lists was regularly used for preventive as well as prosecutory measures; magistrates regularly rounded up suspected troublemakers whenever disquieting circumstances threatened a riot. Information collected in this way seems to have carried equal weight with court convictions. It was used as evidence, for instance, in the "proclamations" of gangs under the Criminal Tribes Act after 1911.

In addition to these formal, institutionalized mechanisms of control, the British also tried to exercise control informally. In particular they were anxious to identify and then work through networks of social control in Indian society, such as those exercised in the city by caste heads, occupational *chaudhuris* (headmen) and *mohallah* (neighborhood) leaders, and in the countryside by prominent landlords and religious leaders.[42] Significantly, much individual crime was controlled through such informal mechanisms, rather than institutionally. They were less sanguine about the effectiveness of informal mechanisms for collective

crime (or, perhaps, more committed to achieving results). As we shall see, this meant that they often bypassed existing control networks to create special forces dealing with specific forms of collective crime. In general, however, though British administrators often inveighed against the duplicity of leaders in countenancing if not encouraging criminal activity, they recognized that by virtue of their position as alien rulers, they had to incorporate and where possible reinforce existing indigenous control networks. As a consequence, they strove to recognize such leaders publicly with titles, as honorary magistrates, or requests to serve in such status-conferring roles as "assessors" (those who advised judges in specific court cases). At the same time, they tried to hold such status holders responsible for good order of those over whom they were supposed to have influence.

The history of the police administration demonstrates well the predicament British administrators saw in their theory that they should utilize existing control networks. Though they wished to incorporate these networks, they could not resist changing them to conform with their notion of exclusive authority. Through the 1860s police reforms, for instance, they tried to maintain some semblance of the rural *chaukidari* (village watch) system even as they created a separate police establishment for the urban areas. They were, that is, interested in minimizing their expenses for a police establishment and therefore encouraged the continuance of local control networks. On the other hand, they were not willing to relinquish ultimate authority to collaborating Indian leaders, and therefore compromised the very networks they strove to continue. Even in the eighteenth century the British had realized that the problem in utilizing *chaukidars* was that they served two masters: the landowners who paid them and headed the local society in which they operated, and the Raj, for whom they were to prevent or at least report and detect crimes. Though the British tried to supplant gradually rural leaders as the ultimate authority for the *chaukidars,* they maintained the shell of a system which tied the *chaukidars* to rural power networks and tried to hold local leaders responsible for its functioning. This was done primarily because it was a much cheaper form of administration, though the first Police Commission justified it by noting that

> The great value of the Village Police, as an adjunct to the general Police, is the local knowledge of persons and habits which they possess. Their general

> mode of life, and the form in which they receive their remuneration, enable them to know all that goes on in the community. This knowledge can often, perhaps usually, be turned to useful account by the general Police, better through the head of the community, the village headman or zemindar, than by any direct action...[43]

They might have been more straightforward had they admitted that in terms of challenges to their authority, such crimes as were generally committed in the countryside were insignificant, and did not therefore require an efficient police administration. Of course, a minimum amount of order had to be maintained so that taxes could be collected and trade could operate unimpeded, but within that minimum, government paid substantially less attention to the countryside. It is significant that not until 1927, when government had to incorporate local powerholders into their exercise of authority, did they evince concern about the chief rural crime, cattle theft. For that, as for collective crimes (like dacoity) which posed a threat to government authority, special police forces were formed instead.

It was a different matter for the urban areas. In the reforms of the 1860s had come a new organizational structure for the police, which incorporated and transferred existing urban authorities, and the rural *chaukidars,* to a (theoretically) more professional level. Even with this reorganization, however, those in control had few illusions of how much professionalism they could expect when budgets were so limited.[44] In 1865, for instance, the Deputy Inspector-General of Police had to see as a matter for self-congratulation the fact that these policemen "know the simple movements absolutely necessary to prevent their appearing [to onlookers as] a mob." The training measures, then, were deemed "sufficient to awe into order any local rising or disturbance."[45] Actually, this last observation was overly sanguine. A common feature of riots throughout the late nineteenth and twentieth centuries was the fact that most could only be quelled by calling in the army and declaring martial law. That the army only uncomfortably filled this domestic role is indicated by the frequently acrimonious exchanges in the riot reports between military and civil authorities.

Thus police administrative reform achieved some degree of professionalism so far as an emphasis on rudimentary training, provision of uniforms, regularization of investigation and reporting methods and the refinement of statis-

tics collection, could provide. Nevertheless, this so-called professionalism did not result in a thoroughly efficient and effective police establishment. Several considerations shaped this result, including the lower cost, the concern to keep Indians under European supervision and police under magisterial and provincial supervision. Moreover, Gupta has convincingly argued that this was not accidental, that the Police Commission was observing a priority even higher than the design of a good police force: the shadow of the 1857 Mutiny hovered over the Commission's deliberations, and many of their provisions were designed to ensure that the police could never, as a native force, threaten the hegemony of the Raj as the Bengal Army had. Since many of the measures had been discussed before the Revolt, this could not have been the only motivation, but it was doubtless significant. With the new concern for exclusive authority, it was less important that the police function with high effectiveness, than that control and authority be maintained by the Raj.[46]

This increasing professionalization was accompanied by a more subtle theory of control. Since observers argued that the police and criminals often came from the same classes of Indians, there was also a conscious program of incorporating where possible the more turbulent elements into the police force. Perhaps the earliest of these efforts was Sleeman's reward to the Budhuk informer and dacoit leader Ajit Singh: "...and when he had done all the service I required of him in the pursuit of his associates on the Chumbhal, I placed him in the Banda Military Police Battalion...[where he] by his gallantry and good conduct rose to the rank of a Tomander, or Commander of a Company..."[47] Then there had been the settlement established in the 1860s by the military police for the Ghonds. Adult males were immediately engaged in police work, and their families were lodged nearby. Their sons were educated for police work in their own school, and the administrative report expressed great satisfaction that these students, though marked by "primitive antecedents," had proved so capable of dealing with "mental culture."[48] Similarly, the Pasis--a "criminal tribe" from whom large numbers of rural criminals consistently emerged--were appointed village *chaukidars* on a wide scale.[49]

Through formal structures and informal staffing procedures, then, the British administrators gave shape to their conceptions of crime and its control. In the development of these institutions of control we can also discern the priorities of the Raj, for some types of behavior considered

criminal in other cultures did not prompt legislation (e.g. some forms of gambling and homosexuality); some crimes which were included in the Code (such as crimes aginst property) received proportionately less enforcement; and certain crimes--generally crimes by groups--were consistently given top priority.[50] We have seen that this was because such collective criminality was perceived as most threatening to British authority in India; legislation and institutions were designed first to protect the authority and only secondarily to perform the usual crime control functions of detection and conviction.

Given that these developments were conditioned by a new exclusive perception of authority, it will be useful to conclude by speculating on the impact made by this infrastructure. Most of the preceding discussion has referred to the United Provinces; for these concluding remarks it makes more sense to broaden the scope so that we may trace the outline of patterns encompassing the other studies in this volume.

COLLECTIVE CRIME AND THE EXERCISE OF AUTHORITY

As the foregoing has suggested, the conflation of power and moral influence differentially affected the definition and treatment of types of crime. There was the least impact on individual crime, for much of this continued to be controlled within discrete culture units; the Raj only tried to bring pressure to bear on informal control networks when preventing the most flagrant individual crimes from intruding on the administrative consciousness. The greatest impact was brought to bear on those types of collective crime that were widespread, and that demonstrated the ability to organize, to prey on others and to move around the country. The Raj's sensitivity to these characteristics--suggesting as they did an alternative structure of social and political organization--led it to bracket together groups like the Banjaras[51] and the thugs, though the activities of the former were often not illegal at all. At the same time, the Raj concentrated on groups whose discrete value systems were directly at odds with Western principles of morality and political economy. In this way they pursued Konds for practicing human sacrifice and Rajputs for female infanticide. Neither posed a direct threat to the Raj's exercise of political power, but because that power was now combined with moral influence, their practices suggested the impotence of the British state.

Thus it is possible to discern in the changes that occurred under the solidification of British rule certain

patterns of action directed at what the British defined as criminal activity. Some of these changes were the result of deliberate policies, others the indirect consequences of programs with very different aims. The following discussion is not meant to be comprehensive, but to suggest the significance of the changing definition of authority for the studies in this volume. It is possible to see these changes as falling into four broad categories.

First, the political fluidity of the preceding period, which allowed "wandering or unsettled powers" to coexist with sedentary local and regional rulers, gave way to the predominance of the land-revenue based state. The first result was that this squeezed out the peripatetic "herdsman-marauder" types who had played an integral part in the local economy while exacting "protection-rent."[52] Groups like the Bhils were affected by this process. The second result was that as the Raj displaced even the local settled rulers, it often refused to fulfill the traditional responsibilities of local leaders; these had previously been considered an integral part of power relationships among discrete units of Indian society. In this context, the complaints of those participating in the 1844-1845 Maharashtrian *bund* seem particularly telling: the distribution of charity and food had stopped; the forts had been destroyed; no one "possessed the means of living," and the nobles were forced to remain at home; land grants in the name of the deity had been stopped; and the Hindu religion had begun to fail, subjecting cows, Brahmins and ryots to much misery.[53]

Second, because certain culturally important actions were deemed threatening to British exclusive authority, the Raj prevented groups from continuing them. This prevention was an innovation in the Indian context: had the British been willing to see moral influence as "discrete," there would have been little need to react against actions significant only within certain contained communities. We have seen that this prevention included prosecuting as murder such culturally defined actions as Rajput female infanticide and Kond human sacrifice. Also included would be the preying upon sedentary agricultural society by marginal wandering groups such as many of the Doms. The supposed rehabilitation program for Champaran Doms, discussed by Yang, highlights the clash betwen the "discrete" moral influence recognized by the Doms and that imposed from outside by the Raj. The profit possible from the cultivation of poor agricultural lands could not compete with the results of itinerancy. Moreover, the number of abscondings suggests that these traditionally nomadic peoples chafed at the restricted

lifestyle in the settlements. The social impact on such people was predicted by Sleeman, who three decades earlier had resisted the idea of settlements for Budhuks. He argued that the cultural emphasis on freedom of movement and status acquired by daring exploits, assured the failure of any attempt to turn them into impoverished, sedentary agriculturists.

> ...the more enterprising of these men, when settled down in colonies, would always be regretting the opportunities which their wild life had given of rising to distinction. There is no class of men among whom the gradation of rank was better preserved...on such occasions [as marriage and other ceremonies of great territorial Chiefs] they received from their trains of followers, as much deference and respect, as the highest of the land, though at home they seemed to be all brothers of the same great family, and the chief ate the same food, and drank the same spirits, and wore the same apparel, as the humblest of his followers.[54]

The Brandstadter article makes clear that much the same pattern existed for Konds, for whom the ritual of human sacrifice seems to have become more important as the relationship between Kond and settled Hindu society became more ambiguous. Indeed, Kond leaders seem to have perceived the British-induced changes quite explicitly as a threat to tribal autonomy. The three major uprisings mentioned by Brandstadter point clearly to Kond reactions to the exercise of British authority which impinged on Kond autonomy, ranging from the removal of Kond leaders, to impressed labor, to the collection of census data.

Third, economic changes altered the existing relationships on the land and in urban centers, thereby enabling the rise of new leaders through non-traditional channels, and expediting the fall of existing elite groups. Most frequently, the social ties which had bound local society were severed or, at least, severely strained as a consequence. Since this process has been one of the central themes of South Asian historiography in the past decade, it is unnecessary to dwell on it at length, merely noting the connections scholars have established between this process and much of that activity deemed social protest, particulary uprisings like the 1875 Maharashtrian peasant one, and the Mappilla "outrages." But it is also worth emphasizing in this volume that the claims made by new groups to elite status within discrete group boundaries, particularly those

made by members of a merchant culture, led in turn to changes in the expression of moral influence with far-reaching cultural effects. Some of these can be discerned in the Marwari behavior in Calcutta, traced in a study of *goondas* (street toughs, ruffians) by Pauline Rule. Marwaris there followed patterns of merchant culture already established in north India, including the militant sponsorship of religious activities and the support of numerous dependents--among whom were those who performed *goonda* activities.[55]

Moreover, it may be possible that a similar phenomenon can be discovered in the landlord sponsorship of bandit groups, which occurred in U.P as well as in Bengal. It cannot be coincidence that landlords used these bandits as substitute domestic armed forces--to prevent their own or other predators from disturbing the landlords' domains--at just that period when British control was becoming more consolidated, leading to the landlords' loss of control over traditional "peacekeeping" forces like the *chaukidars*. If McLane is correct, it is especially significant that this occurs not among the largest landholders--whose social ties were buttressed and protected more carefully by the Raj--but among the emerging middle-level zamindars who needed new mechanisms to enforce their ties to the countryside.

Similarly, the discussion of the Maharashtrian *bund* by Robinson provides an almost classic case of reactions by long-standing elites. It is also one which underlines the conflict between the Indian perception of "discrete" authority and that of British exclusivity, for the *bund* in its pre-British form previously had aimed at creating a niche for upwardly mobile leaders. Both because the British would not tolerate this kind of militaristic action--seeing it as a threat to their own authority--and because the extension of their control drew the marginal areas more closely under British control, the *bund* finally lost its efficacy, first as a form of upward mobility and then as a protest movement.

Fourth, by treating Indians as members of immutable groups with specific, even genetically determined characteristics, the Raj reduced social mobility and fluidity. This naturally had many consequences. In the particular context of this volume, the treatment hindered the continued integration of marginal groups into sedentary society as had been possible before the early nineteenth century. It was also responsible for altering the nature of such phenomena as banditry in the subcontinent. Indeed, the pattern of British treatment of the *bund*, the Bhils and those dacoit leaders attempting to carve niches for themselves as petty rajas, is strikingly similar. Where the earlier Indian

empires would have simply recognized such bids for social mobility in return for the requisite obeisance, the British could only see these activities as a direct threat. That such threats should so frequently come not from the "natural aristocracy" with whom the British usually dealt, but from those considered by Hindu society as marginal or low caste, made them all the more unpalatable to the British. This marginal position in turn reinforced the Social Darwinism of late nineteenth century British theorists, allowing them to categorize so many dacoits as "criminal types" and thence to move logically to the repression their notion of authority demanded.

CONCLUSION

Thus the exercise of a new kind of state authority, combining state power and the moral influence previously located within discrete communities of the Indian polity, had a far-reaching effect on the definition of crime and on the creation of an infrastructure to control it. The working of that infrastructure in turn had a differential impact on the discrete communities it touched. The categories we have traced fit into the chronology broadly sketched in the opening section of this essay. That is, the imposition of a land-revenue based state, and its concomitant protection of settled agrarian society (first point above) meant that the state would focus its crime control structures on thugs and other peripatetic groups who had extracted surplus from settled society and whose movements were difficult for a centralized state to control. This phase, during which the state had created specialized structures to deal with special problems, belonged to the early nineteenth century. And as a result, the far-flung organizations of thugs and other groups became much more difficult to maintain by the 1850s.

Certain processes occurred throughout the consolidation period, and were exaggerated by the reorganization of the police and information-gathering structures in the 1860s. It then became possible for the Raj to implement more effectively its efforts to prevent certain groups from exercising culturally-specific actions (second point above). Thus the impact on groups like the Konds and infanticide-practicing Rajputs became acute after mid-century. As suggested, this process had begun in the eighteenth century, and continued into the twentieth; the Raj simply became more capable, as time went on, of imposing its own definition of morality on

the discrete units of Indian society under its sway. In part this was because it accumulated more and more administrative structures, such as the census operations, to assist in its policing enterprises. Another process which continued to occur throughout the two centuries was the alteration of elite status, and the introduction of new eiltes with new practices (point three). Recent work on Bengal illustrates the forms which this could take over time, ranging from eighteenth century landlords' patronage of bandits to twentieth century merchants' employment of *goondas*.

Of the patterns discussed here, the last one also occurred chronologically latest. The interference by the Raj in the processes of social mobility and integration of marginal groups into settled society (point four above) was much more an aspect of the criminal behavior patterns from the late nineteenth century on. It was after the 1870s that British attention became focused on Dom and other "criminal tribes." Not until the end of the century did the Raj create the mechanisms necessary for restraining marginal groups. And it was several decades later that this infrastructure was brought to bear on criminal gangs and *goondas*.

To this point the argument has assumed that those wielding authority against collective crime were located primarily within the administrative structure, that the Raj was the only actor on the crime control stage. By and large that was true into the late nineteenth century. The twentieth century demonstrated a very different configuration, however. With the devolution of power and expansion of the franchise, Indian actors began to take ever larger roles in crime control activity. Significantly, by the time this happened most Indian leaders had come to share with the Raj an exclusive definition of authority. Indeed, at this point the conflation of power and moral influence made it a weapon to be used against the British. Indian leaders argued that only they, as Indians prepared for the modern world, possessed the authority required to lead the country. If power and moral influence were indivisible, then power should be theirs as well. This attempt by indigenous leaders to appropriate the notion of exclusive authority often led--from the 1920s to 1947--to a special attitude toward forms of collective violence. Many activists were prepared to accept these as legitimate, so long as they could be subsumed under the nationalist movement. Indeed, local dacoit leaders were often incorporated into the local Congress organization. It was only after independence, when these Indians had replaced the British as the exclusive authority, that they too came

to make a distinction between what they perceived as crime and protest.

Notes to the Chapters

Introduction
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which is an "institutional history" of the penal system in France in terms of "the individuals and values affected by and affecting the new system." (p. xi).

16. Perrot, "Delinquency and the Penitentiary Systems," p. 214.
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33. Jones, *Crime and Police,* pp. 2-3.
34. Sharpe, "History of Crime, p. 196.
35. "Criminal Statistics," pp. 362-363.
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39. Beattie, "Patterns of Crime in England"; Gatrell, "Decline of Theft and Violence," p. 245.

40. Thorsten Sellin and Marvin E. Wolfgang, *The Measurement of Delinquency* (New York, 1964), pp. 30-31.
41. The standard target of scholars who rely on criminal statistics is J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (Middlesex, 1972), ch. 2.
42. In addition to the works cited above, two examples of critical discussions of the sources are: David Jones and Alan Bainbridge, "SSRC Project: Crime in Welsh Communities in the Nineteenth Century," *Social History* 4 (1977): 507-514; Harvey J. Graff, "Crime and Punishment in the Nineteenth Century: A New Look at the Criminal," *Journal of Interdisciplinary History* 7, 3(1977):477-491.
43. Michael R. Weisser, *Crime and Punishment in Early Modern Europe* (Hassocks, Sussex, 1979); Olwen H. Hufton, *The Poor of Eighteenth-Century France, 1750-1789* (Oxford, 1974).
44. Sharpe, "History of Crime," p. 194.
45. Monkkonen, *The Dangerous Class,* p. 5.
46. Louis Chevalier, *Labouring Classes and Dangerous Classes in Paris during the first half of the Nineteenth Century* (London, 1973).
47. Ibid., pp. 394-408.
48. Perrot, *L'Impossible Prison.*
49. Jones, *Crime and Police,* p. 179
50. Two classic accounts of this genre are: Kenneth Ballhatchet, *Social Policy and Social Change in Western India* (London, 1957); Eric Stokes, *The English Utilitarians and India* (Oxford, 1959).
51. See chapter 3, p. 62.
52. See chapters 4 and 7.
53. For more details, see chapters 5 and 6. Also, Stuart H. Blackburn, "The Kallars: A Tamil 'Criminal Tribe' Reconsidered," *South Asia,* n.s., 1 (1978):38-51; Jacques Pouchepadass, "Delinquance de fonction et normalisation coloniale: Les 'Tribus Criminelles' dans L'Inde Britannique," in *Les Marginaux et Les Exclus,* pp. 122-154.
54. Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi, 1983), pp. 77, 79. See also his edited works: *Subaltern Studies I: Writings on South Asian History and Society* (Delhi, 1982); and *Subaltern Studies II: Writings on South Asian History and Society* (Delhi, 1983).
55. Two useful beginnings in linking up these themes are: Bernard S. Cohn, "Notes on the History of the Study of Indian Society and Cultures," in *Structure and Change in Indian Society,* eds. Milton Singer and Cohn (Chicago, 1968), pp. 3-28; Lloyd I. Rudolph and Susanne Hoeber Rudolph, *The Modernity of Tradition: Political Development in India* (Chicago, 1967), pp. 160-170.
56. Douglas Hay, "Property, Authority and the Criminal Law," in *Albion's Fatal Tree,* pp. 17-63; Thompson, *Whigs and Hunters,* pp. 258-269.
57. John Brewer and John Styles, eds., *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), "Introduction," pp. 12-13.
58. Douglas Hay, "Poaching and the Game Laws on Cannock Chase," in *Albion's Fatal Tree,* pp. 189-253.
59. See the essays by Keith Wrightson, John Walter, Robert W. Malcolmson, John Brewer, John Styles and Joanna Innes in *An Ungovernable People.*
60. "Introduction," in Ibid., pp. 15-16.
61. Christina Larner, "Crimen Exceptum? The Crime of Witchcraft in Europe," in *Crime and Law,* pp. 49-75. Witchcraft as an issue related to the peculiar conditions of a local community is also the subject of an important book by Paul Boyer and Stephen Nissenbaum, *Salem Possessed: The Social Origins of Witchcraft* (Cambridge, 1974). Two other significant works are: Christina Larner, *Enemies of God: The*

Witch-Hunt in Scotland (London, 1981); Alan MacFarlane, *Witchcraft in Tudor and Stuart England: A Regional and Comparative Study* (London, 1970).

62. Michael Stephen Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill, 1980), pp. 250-255.
63. Gurr, *Politics of Crime and Conflict*.
64. Bruce Lenman and Geoffrey Parker, "The State, the Community and the Criminal Law in Early Modern Europe," in *Crime and Law,* pp. 11-48.
65. For instance, see J. A. Sharpe, "Enforcing the Law in the Seventeenth-Century English Village," in Ibid., pp. 97-119. See also the essays by J. H. Baker, M. J. Ingram, T. C. Curtis and J. M. Beattie in *Crime in England*.
66. For instance, see J. D. M. Derrett, *Religion, Law and the State in India* (London, 1958); B. S. Sinha, *The Legal History of India* (Lucknow, 1953).
67. "From Indian Status to British Contract," *Journal of Economic History* 21, 4 (1961): 614. See also his "Structural Change in Indian Rural Society," in *Land Control and Social Structure in Indian History,* ed. Robert Eric Frykenberg (Madison, 1969), pp. 53-121. Additional examples are: Pamela G. Price, "Raja-dharma in 19th century South India: Land, Litigation and Largess in Ramnad Zamindari," *Contributions to Indian Sociology* n.s., 13, 2 (1979):207-239; Marc Galanter, "Changing Legal Conceptions of Caste," in *Structure and Change,* pp. 299-336; Gunther-Dietz Sontheimer, *The Joint Hindu Family: Its Evolution as a Legal Institution* (New Delhi, 1977).
68. Cohn, "Indian Status to British Contract," p. 628.
69. "Law, State and Agrarian Society in Colonial India," *Modern Asian Studies* 15, 3 (1981): 649-721, especially pp. 649, 654.
70. Ibid., p. 668.
71. See chapter 7. Also chapter 1 by McLane and chapter 2 by Robinson which emphasize the lack of anchorage of the British-introduced criminal justice system in the local society of the nineteenth century.
72. See the chapters by McLane, Brandstadter, Yang and Gordon. Also, Helen Fein, *Imperial Crime and Punishment: The Jallianwala Bagh and British Judgement, 1919-1920* (Honolulu, 1977).
73. See Richard C. Hula, "Calcutta: The Politics of Crime and Conflict, 1800 to the 1970s," in *Politics of Crime and Conflict,* pp. 465-616, especially pp. 559-577, on the selective enforcing of the criminal justice system at the height of the Nationalist Movement.
74. Hindus, *Prison and Plantation,* p. xvii.
75. David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston, 1971).
76. Christopher Lasch, *The World of Nations: Reflections on American History, Politics and Culture* (New York, 1974), pp. 3-17.
77. Ibid. See also Peter L. Tyor and Jamil S. Zainaldin, "Asylum and Society: An Approach to Institutional Change," *Journal of Social History* 13, 1 (1979):23-25, 43-44, for a discussion of the relevant literature.
78. Tyor and Zainaldin, "Asylum and Society," p. 4.
79. Rothman, *Discovery of the Asylum;* Foucault, *Discipline and Punish.* For a different view, see O'Brien, *Promise of Punishment*.
80. For example, see Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York, 1978); Victor Bailey, ed., *Policing and Punishment in Nineteenth Century Britain* (London, 1981), "Introduction," pp. 16-18; Robert Roth, *Pratiques Penitentiaires et Theorie Sociale: L'Exemple de la Prison de Geneve* (Geneva, 1981).

81. Perrot, ed., *L'Impossible Prison*.
82. See Hula, "Calcutta;" Fein, *Imperial Crime and Punishment*.
83. Rothman, *Discovery of the Asylum*, p. xx.
84. Bailey, ed., *Policing and Punishment*, p. 11.
85. A. P. Donajgrodzki, "'Social Police' and the Bureaucratic Elite: A Vision of Order in the Age of Reform," in *Social Control in Nineteenth Century Britain*, ed. Donajgrodzki (London, 1977), pp. 51-76; Robert D. Storch, "The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880," *Journal of Social History* 9, 4(1976): 481-502; Storch, "The Plague of the Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-1857," *International Review of Social History* 20, 1 (1975):61-90; Conor Brady, *Guardians of the Peace* (Dublin, 1974).
86. George L. Mosse, "Introduction," in *Police Forces in History*, ed. Mosse (Beverly Hills, 1975), p. 4.
87. John Field, "Police, Power and Community in a Provincial English Town: Portsmouth, 1815-1875," in *Policing and Punishment*, pp. 42-64.
88. See, for instance, Jones, *Crime and Police*, pp. 144-177; Alan Williams, *The Police of Paris, 1718-1789* (Baton Rouge, 1973); Eric H. Monkkonen, *Police in Urban America, 1860-1920* (Cambridge, 1981). For an interesting present-day study of the fit of the police in their community, see Walter L. Ames, *Police and Community in Japan* (Berkeley, 1981).
89. Two examples are: Sir Percival Griffiths, *To Guard my People: the History of the Indian Police* (London, 1971); Anandswarup Gupta, *Crime and Police in British India, 1861-1947* (New Delhi, 1979).
90. See my "Guardians of the Raj: The Police in Colonial India, Saran District, 1765-1922," in *Two Faces of India*, eds. Walter Hauser and James Manor, forthcoming; David Arnold, "The Armed Police and Colonial Rule in South India, 1919-1947," *Modern Asian Studies* 11, 1 (1977): 101-125; Basudev Chatterji, "The Darogah and the Countryside: The Imposition of Police Control in Bengal and its Impact (1793-1857)," *Indian Economic and Social History Review* 18, 1 (1981):19-42. Although about the post-independence period, an important study of police organization and behavior is David H. Bayley, *The Police and Political Development in India* (Princeton, 1969).
91. Arnold, "Armed Police in South India," Yang, "Linkages Between British Raj and Saran Raiyat: The Development of Local Control Institutions in the Nineteenth and Twentieth Centuries," in *Rural India: Land, Power and Society under British Rule*, ed. Peter Robb (London, 1983), pp. 149-180. Also, Clive Dewey, "Patwari and Chaukidar: Subordinate Officials and the Reliability of India's Agricultural Statistics," in *The Imperial Impact: Studies in the Economic History of Africa and India*, eds. Dewey and A. G. Hopkins (London, 1978), pp. 280-314.
92. See chapter 3, p. 79. Also chapter 1 on Bengal.
93. Arnold, "Armed Police in South India," pp. 101-125; Hula, "Calcutta," pp. 559-582.
94. Eric H. Monkkonen, "From Cop History to Social History: The Significance of the Police in American History," *Journal of Social History* 15, 4 (1982):575-591.
95. George Rude's work has developed from his initial essay on "The Gordon Riots: A Study of the Rioters and Their Victims," *Transactions of the Royal Historical Society*, 5th series, 6 (1956):93-114; to *The Crowd in History, 1730-1848* (New York, 1964).
96. A good discussion of the literature is Robert J. Holton, "The Crowd in History: Some Problems of Theory and Method," *Social History* 3, 2 (1978):219-233.

97. Yang, "Sacred Symbol and Sacred Space in Rural India: Community Mobilization in the 'Anti-Cow' Killing Riot of 1893," and Sandria B. Freitag, "Sacred Symbol as Mobilizing Ideology: The North Indian Search for a 'Hindu' Community," in *Comparative Studies in Society and History* 22, 4 (1980):576-596, 597-625.
98. See my "The Agrarian Origins of Crime: A Study of Riots in Saran District, 1866-1920," *Journal of Social History* 13, 2 (1979):289-306; Jim Masselos, "Social Segregation and Crowd Cohesion: Reflections around some Preliminary Data from 19th Century Bombay City," *Contributions to Indian Sociology,* n.s., 13, 2 (1979):145-167.
99. Holton, "The Crowd in History," p. 221.
100. *Albion's Fatal Tree,* p. 16.
101. Jones, *Crime and Police,* pp. 33-61.
102. E. J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (Manchester, 1959); *Bandits* (Middlesex, 1969), p. 17. For an opposing view, see Anton Blok, *The Mafia of a Sicilian Village, 1860-1960: A Study of Violent Peasant Entrepreneurs* (New York, 1974).
103. Some intitial hints in the literature are provided by McLane's chapter 1 in this volume; Robert Gabriel Varady, "North Indian Banjaras: Their Evolution as Transporters," *South Asia,* n.s., 2 (1979):1-18; Stewart Gordon, "Recovery from Adversity in Eighteenth-Century India: Re-thinking 'Villages,' 'Peasants,' and Politics in Pre-Modern Kingdoms," *Peasant Studies* 8, 4(1979):61-80; and his "Scarf and Sword: Thugs, Marauders, and State-formation in 18th Century Malwa," *Indian Economic and Social History Review* 4, 4 (1969):403-429.
104. See chapters 2 and 6.
105. The insights that a social historial approach can yield are clearly demonstrated in contrasting Gordon's "Scarf and Sword" with an earlier work by G. L. Bruce, *The Stranglers: The Cult of Thuggee and its Overthrow in British India* (London, 1968). Also, David Arnold, "Dacoity and Rural Crime in Madras, 1860-1940," *Journal of Peasant Studies* 6, 2 (1979):140-167.
106. A rare look at women and crime in British India is Elizabeth Manak, "The Incidence and Characteristics of Female Criminality in South India, 1890-1930," paper presented at the 11th Annual Conference on South Asia, University of Wisconsin--Madison, November 5-7, 1982. Nor are there many studies for Europe or the United States. Two examples are: J. M. Beattie, "The Criminality of Women in Eighteenth-Century England," *Journal of Social History* 8, 4 (1975):80-116; Monkkonen, *The Dangerous Class, passim.*
107. Guha, *Peasant Insurgency in Colonial India,* p. 337.

Chapter 1

1. For a discussion of these groups, see chs. 5 and 6.
2. For the *chuars,* see Binod S. Das, *Civil Rebellion in the Frontier Bengal (1760-1805)* (Calcutta, 1973), and J. C. Price, *Notes on the History of Midnapore* (Calcutta, 1876); for the *sannyasis,* see Jamini Mohan Ghosh, *Sannyasi and Fakir Raiders in Bengal* (Calcutta, 1930).
3. This estimate is based on Sirajul Islam's statistical analysis of the public land sales under the Permanent Settlement. The estimate was made after deducting for *benami* or fictitious sales but it does not include figures for private sales. Sirajul Islam, *The Permanent Settlement in Bengal: A Study of its Operation, 1790-1819* (Dacca, 1979), pp. 147-148 and appendix B following p. 259.

4. See W. W. Hunter, *A Statistical Account of Bengal* (London, 1875), Vol. III, p. 385; Vol. IV, pp. 149, 284, and 402.
5. W. Brodie, Hughli, to JD, 2 Apr. 1813, no. 7 of 17 Apr. 1813, JP, Criminal, vol. 314.
6. G. Thompson, Second Judge, COC to NA, 13 Oct. 1805, no. 7 of 14 Nov. 1805, JP, Criminal, vol. 118.
7. This argument follows James C. Scott's notion that "although the desire for subsistence security grew out of the needs of cultivators [and other lower class people]--out of peasant economics--it was socially experienced as a pattern of moral right or expectations." *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven, 1976), p. 6. See also F. Bruce Robinson's chapter on "Bandits and Rebellion in Nineteenth Century Western India" in this volume for a discussion of indigenous and British concepts of political authority, and their effects on 'criminal activity' in local society.
8. Offg. Dy. Regtr., Calcutta COC to Sir John Shore, 27 July 1797, no. 12 of 4 Aug. 1797, JP, Criminal, vol. 40.
9. *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, 1812,* pp. 39-40, 65-66, and 71.
10. "Memorandum on the Expense and Operation of the Judicial Establishment," appendix no. 5 to *Report from the Select Committee of the House of Commons on the Affairs of the East India Company, 1832;* H. Shakespear, SP to JD, 30 Mar. 1814, no. 22 of 13 May 1814, JP, Criminal, vol. 332.
11. Secretary G. Dowdeswell's Report on the General State of the Police of Bengal, 22 Sept. 1809, (hereafter cited as Dowdeswell's Report.) Appendix 12 to *The Fifth Report*. Also H. Shakespear, Regtr., NA, to JD, 26 June 1809, no. 21 of 30 June 1809, JP, Criminal, vol. 203.
12. W. B. Bayley, Offg. Mgte., Burdwan, to JD, 9 Apr. 1810, no. 11 of 13 Apr. 1810, JP, Criminal, vol. 229.
13. John Eliot, Mgte., Nudia, to JD, 9 Feb. 1809, no. 16 of 11 Feb. 1809, JP, Criminal, vol. 190.
14. T. Parr, Mgte., Dinajpur, to JD, 21 Jan. 1800, no. 17 of 30 Jan. 1800, JP, Criminal, vol. 56.
15. "Memorandum on the Operation of the Judicial Establishment."
16. Dowdeswell's Report, pp. 604-606.
17. Ibid.
18. L. T. Goad, Regtr., NA, to Sam. Middleton, Mgte., Jessore, no. 20 of 30 May 1805, JP, Criminal, vol. 111.
19. John Eliot, Mgte., Nadia, to JD, 4 Jan. 1810, no. 29 of 19 Jan. 1810, JP, Criminal, vol. 222.
20. E. Strachey, 3rd Judge, Calcutta COC, to NA, 13 June 1808, appendix 11 to *Fifth Report*.
21. Dacca COC to JD, 9 June 1802, no. 23 of 8 July 1802, JP, Civil, vol. 70.
22. Islam, *Permanent Settlement,* appendix 3, following p. 262.
23. For example, 13,025 civil suits were decided in Burdwan district in 1801 and 18,039 were decided between Feb. 1815 and June 1818. Most suits were over land rents. H. T. Prinsep, Report of Investigations as to the State of the Executions of Civil Judgments, 30 Sept. 1820, no. 10 of 23 Apr. 1821, JP, Civil, vol. 284. On the other hand, before 1793 few civil suits were decided in government district courts. For example, Birbhum district (including Bishnupur and the Santal Parganas) had a total of 112 civil suits initiated for 1787 to 1793. W. W. Hunter, *The Annals of Rural Bengal* (London, 1868), p. 339.
24. See, as examples, prisoners number 38 (Bagdi fisherman) and 102 (Goala

milkman), Statement of Prisoners under Requisition of Security in Nadia by J. M. Rees, Cssner., no. 5 of 24 Dec. 1819, JP, Criminal, vol. 409.

25. Dowdeswell's Report.
26. Statement of Prisoners under Requisition of Security in Burdwan, no. 49 of 24 Nov. 1820, JP, Criminal, vol. 420.
27. Statement of Prisoners in Nadia, no. 5 of 24 Dec. 1819, JP, Criminal, vol. 409.
28. The 93 Muslims represented 38.7 percent of the 240 Nadia prisoners, or roughly the same proportion as they constituted in the district as a whole according to an 1802 estimate. A. Seton, Collr., Nadia, to JD, 16 Jan. 1802, no. 107 of 8 July 1802, JP, Civil, vol. 76.
29. The occcupations are taken from Hunter, *Statistical Account*. Hunter lists seventy to ninety Hindu castes, ranked in order of status, for each west Bengal district. However, specific prisoners often did not follow the typical occupation of their caste. A Hari might be a cultivator, a Dom might be a bearer. For additional details on the Doms, see chapter 5 in this volume.
30. H. Strachey, Judge, Calcutta COC, to NA, 24 March 1803, no. 13 of 26 May 1803, JP, Criminal, vol. 88.
31. *Fifth Report,* p. 72.
32. Evidence for this point is found in the letter of Sept. 1801 containing replies from district officials to the GGIC. The replies appear in JP, Civil of 8 July 1802, vol. 70, and they are summarized in Islam, *Permanent Settlement,* pp. 159-161.
33. E. Strachey, Third Judge, Calcutta COC, to NA, 19 Aug. 1808, appendix 11 to *Fifth Report*.
34. A. Seton, Collr., Nadia to JD, 16 Jan. 1802, no. 107 of 8 July 1802, JP, Civil, vol. 76.
35. W. Paton, Judge and Mgte., Nadia, to GGIC, 1 June 1817, no. 20 of 12 Aug. 1817, JP, Civil, vol. 261.
36. John Eliot, Mgte., Nadia, to JD, 9 Feb. 1809, no. 16 of 11 Feb. 1809, JP, Criminal, vol. 190.
37. Das, *Civil Rebellion,* pp. 97-101.
38. Translation of petitions, no. 14 and 15 of 15 Mar. 1799, JP, Civil, vol. 48.
39. D. Campbell, Mgte., Birbhum, to JD, 12 and 15 May 1801, no. 24 of 14 May 1801 and no. 2 of 21 May 1801, JP, Criminal, vol. 64 and 70. Also, Campbell to JD, 21 Nov. 1801, JP, Criminal, vol. 73.
40. John Mevill, Second Judge, Dacca COC, to NA, 29 Jan. 1808, and enclosures, nos. 2-4 of 19 Feb. 1808, JP, Criminal, vol. 170.
41. C. R. Blunt, Mgte., Birbhum, to JD, 15 Aug. 1810, no. 7 of 9 Oct. 1810, JP, Criminal, vol. 244.
42. George Cumming, Offg. Judge, Nadia, to JD, 4 Aug. 1797, no. 3 of 11 Aug. 1797, JP, Criminal, vol. 40.
43. C. R. Blunt, Mgte., Birbhum to JD, 15 Aug. 1810, no. 7 of 9 Oct. 1810, JP, Criminal, vol. 244.
44. Ibid.
45. Mgtes., Twenty-Four Parganas to JD, 1 July 1802, appendix 10 to *Fifth Report*.
46. W. Brodie, Mgte., Hughli, to JD, 15 Mar. 1814, no. 12 of 1 Apr. 1814, JP, Criminal, vol. 330. The "poor" to whom Brodie referred persumably were the *jotdars* and shopkeepers, not low caste laborers and poorer tenants.
47. GGIC to Henry Shakespear, Offg. SP, 24 Nov. 1820, no. 39 of 24 Nov. 1820, JP, Crim., vol. 420.
48. H. Shakespear, Offg. SP, Lower Provinces, to JD, 23 June 1820, no. 39 of 24 Nov. 1820, JP, Criminal, vol. 420.

49. Although the office of *faujdar* had been abolished in 1781, the *faujdari* courts continued until 1787 when English magistrates were given authority to hear petty cases.
50. In addition to their salaries, they received various fees, including cash awards for dacoits convicted.
51. W. H. Sleeman, *Rambles and Recollections of an Indian Official* (London, 1915), pp. 549, 554.
52. *Fifth Report,* p. 71.
53. Sleeman, *Rambles,* pp. 553-554.
54. E. Strachey, Third Judge, Murshidabad COC, to NA, 26 June 1808, no. 13A of 4 Nov. 1808, JP, Criminal, vol. 184.
55. Strachey to COC, 9 Aug. 1808, in Ibid.
56. Sleeman, *Rambles,* p. 546.
57. Regulations IX of 1807, VII of 1811, and III of 1812, *British Parliamentary Papers: Colonies, East India* (Shannon, 1970), vol. 10, Appendix no. VI.
58. Wm. Leycester, Third Judge, Provincial Court, Murshidabad, to JD, 4 Apr. 1814, no. 8 of 15 Apr. 1814, JP, Criminal, vol. 330.
59. *Fifth Report,* p. 74. Similar practices were employed to suppress other 'criminal groups.' See Gordon's chapter on Bhils in this volume for a discussion of the policy of using Bhils to catch Bhil (ch. 6).
60. *Fifth Report,* p. 74.
61. Reg. IX of 1808 and Reg. XVI of 1810.
62. Dowdeswell's Report, p. 614.
63. E. Strachey, Judge, Calcutta COC, to NA, 26 Nov. 1807, no. 9 of 15 Jan. 1808, JP, Criminal, vol. 168.
64. Dowdeswell's Report, p. 614.
65. Strachey to NA, 26 Nov. 1807, JP, Criminal, vol. 168.
66. J. Wintle, Second Judge, Calcutta COC to NA, 15 Nov. 1809, no. 9 of 22 Dec. 1809, JP, Criminal, vol. 219. Also, *Fifth Report,* p. 75.
67. Dowdeswell's Report, p. 614.
68. Eric Hobsbawm, *Bandits* (Middlesex, 1972), p. 17.
69. The dacoit heroes of later village myths seem to have been the bandits of the mid-ninetenth century, while the Bengali novels and histories that apotheosized dacoits of Mughal times drew their information from English historians such as W. W. Hunter and apparently not from village tradition. See also Robinson's chapter on "Bandits" in this volume for a discussion of social banditry in nineteenth-century Western India (ch. 2).
70. Douglas Hay, "Property, Authority and the Criminal Law," in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England,* Hay, Peter Linebaugh, E. P. Thompson (New York, 1975), p. 18.
71. Ibid., p. 48.
72. Ibid., p. 42.
73. There was a vast difference between a Bengal district and an English county and in the degree of personal contact possible between government and local gentry. A district in Bengal was not only larger and more populous, its rulers differed from the gentry in language, race, etc.
74. Hay, "Property, Authority and the Criminal Law," pp. 27-28.

Chapter 2

1. "Translation of the Diary of Wasudev Balwant Phadkey," in *Sou Materials for a History of the Freedom Movement,* 2 vols. (Bombay,

1957) pp. 1, 103-125. See also Gordon's chapter in this volume for a discussion of *bhil-naiks*.

2. *Kautilya's Arthashastra,* trans. R. Shamasastry, quoted in R. N. Saletore, "The Policy of Maratha Rulers Toward Wild Tribes," in *Sardesai, Commemoration Volume,* ed. S. R. Tiekar (Bombay, 1938).
3. See chapter 6 for Gordon's account of the British practice of using Bhils to catch Bhils.
4. G. S. Sardesai, *New History of the Marathas* (Bombay, 1968), pp. 1, 104, 195: Satish Chandra, "Shivaji and the Maratha Landed Elements," in *D.D. Kosambi, Memorial Volume,* ed. R. S. Sharma, (New Delhi, 1974), pp. 254-255; idem, "Social Background to the Rise of the Maratha Movement during the 17th Century in India," *Indian Economic and Social History Review* 10 (1973): 213.
5. S. N. Sen, *The Military System of the Marathas* (Bombay, 1958), pp. 63, 68.
6. By using the adjective "natural" in this way, the intent is to suggest that these peoples came naturally to possess certain skills which equipped them for a more warlike life style. Owen Lattimore has made the same argument for the nomad population of the western marches of Imperial China who he refers to as the "natural cavalry of the steppe." See his *Inner Asian Frontiers of China* (Boston, 1962), pp. 63-65.
7. Robert Redfield, *The Primitive World and Its Transformations* (Ithaca, 1953), p. 45; Eric R. Wolf, *Peasant Wars of the Twentieth Century* (New York, 1969), pp. 289-296; Eric Hobsbawm, *Bandits* (New York, 1969), pp. 61-71.
8. The best example is the career of a Koli named Javji Bambale, who was appointed *mansabdar* after playing Nana Phandnis off against Tukoji Holkar in the 1770s. F. B. Robinson, "Adaption to Colonial Rule by the Wild Tribes of the Bombay Deccan, 1818-1880" (Ph.D. diss., University of Minnesota, 1978), pp. 228-233; *Selections from the Satara Rajas' and Peshwas' Diaries,* 6 vols. (Bombay, 1909), Savai Madhav Rav Peshwa, vol. 2: 250, trans. no. 640.
9. Alexander Mackintosh, *An Account of the Origin and Present Condition of the Tribe of Ramoosies* (Bombay, 1833).
10. William Spiller to H. D. Robertson, 7 Nov. 1826, BPJP, no. 18 of 2 Nov. 1826, India Office Library, London.
11. Robinson, "Adaption to Colonial Rule," pp. 210-216.
12. Secretary of Bombay Government to H. D. Robertson, 19 Aug. 1829, JP, 1829, Maharashtra State Archives, Bombay.
13. A. Robertson to Bombay Government, 11 Oct. 1829, Satara Outward File, 1829, Alienation Office and Peshwa Daftar, Poona *rumal* 22, file 38.
14. Trial Proceedings, JP, vol. 12 of 1829, p. 184.
15. Ahmadnagar Sessions Judge Statement, 13 Oct. 1829, BPJP, no. 42 of Nov. 1829, par. 5.
16. Richard Spooner's Report on the State of the country, BPJP, no. 1964 of 17 Apr. 1844, par. 47.
    To facilitate the growing trade in the interior, the Bombay Government abolished in 1835 the many and often redundant transit duties which had made the carting of goods over long distances a venture of questionable profit. This measure removed many customs check-points, thereby enabling stolen property to move more easily across the countryside.
17. G. Arthur, Governor's Minute, BPJP, no. 1966 of 17 Apr. 1844, par. 45.
18. J. M. Surlacer, "1857 in Maharashtra" (Ph.D. diss., Bombay University, 1964); *Source Materials for a History of the Freedom Movement,* I: pp. 317-318, 300-301, and 307; S. B. Chaudhuri, *Civil Disturbances During the British Rule in India, 1756-1856* (Calcutta, 1955).

19. Hobsbawm, *Bandits,* p. 13. See also McLane's chapter on Bengali bandits in this volume (ch. 1).
20. Hobsbawm, *Bandits,* pp. 34-49.
21. Ibid., pp. 35, 36.
22. *Report of the Committee on the Riots in Poona and Ahmednagar, 1875,* vol. 1 (Bombay, 1876), par. 120.
23. Stanley Scott to Police Commissioner of the Southern Division, 12 Apr. 1874, JP, vol. 62 of 1874.
24. The band leader was identified at his trial as "Honya son of Bhagoji Kengla, age 40, caste Koli, occupation cultivator, resident of Jambhari, Khed Taluka, Poona" (Case no. 114 of 1876, JP, vol. 50 of 1876, pp. 379-410). See also Proclamation of Rewards for Honia's Capture, JP, vol. 52 of 1874.
25. Acting Under Secretary of Bombay Government, Memorandum of 13 Apr. 1874, BPJP, no. 48 of 7 Mar. 1874.
26. W. F. Sinclair to Poona Magistrate, n.d., JP, vol. 52 of 1874.
27. Richard B. Fox, *Kin, Clan, Raja and Rule* (Berkeley, 1971), p. 54; Robert Eric Frykenberg, "Traditional Processes of Power in South India: An Historical Analysis of Local Influence," *Indian Economic and Social History Review* 1 (1963): 136; Burton Stein, "The Segmentary State in South Indian History," in *Realm and Region in Traditional India,* ed. Richard G. Fox (Durham, 1977), pp. 6-9.
28. "Power" Dumont defines as legitimate force. He observes that "land is the most important possession, the only recognized wealth, and is also closely linked with power over men." See Louis Dumont, *Homo Hierarchicus* (Chicago, 1970), pp. 153, 156. Also J. C. Heesterman, "India and the Inner Conflict of Tradition," in *Post-Traditional Societies,* ed. S. N. Eisenstadt (New York, 1972), pp. 103-104, who equates resources with power and recognizes that both reside in the land.
29. Fox, *Kin, Clan, Raja and Rule,* p. 56; Aidan Southall, *Alur Society* (Cambridge, 1956), pp. 248-249; Stein, "The Segmentary State," pp. 6-9.
30. Aidan Southall, "A Critique of the Typology of States and Political Systems," *Political Systems and the Distribution of Power,* ed. Michael Banton (London, 1965), pp. 127, 128.
31. Dumont has gone so far as to postulate that there exists a "homology between the function of dominance at village level and the royal function at the level of a larger territory." See *Homo Hierarchicus,* p. 162.
32. The advantage gained by the moneylenders through the British Courts was only the most obvious irritant. Forest conservancy laws and disarming acts struck at rights the Kolis had enjoyed from time immemorial.
33. Raghuji Naik Bhangare to Harrison, BPJP, no. 6951 of 11 Dec. 1844.
34. "Translations of the Diary of Wasudev Balwant Phadkey," vol. 1, p. 121.

Chapter 3

1. S. M. Edwardes, *Crime in India* (London, 1924), p. 54
2. Charles Hervey, *Statistics of the Crime of Dacoitie in British Territory and Dependent Native States, 1867, 1868, and 1869* (Calcutta, 1873), pp. 2-3.
3. *Madras Police Administration Report, 1923* (Madras, 1924), p. 22. This series is hereafter cited as *MPAR, 1923* etc. Unless otherwise stated

all statistical data in this essay are drawn from the *MPARs* and census reports for the Madras province.

4. C. A. Innes, *Madras District Gazetteers: Malabar and Anjengo* (Madras, 1908), p. 368; Bejoy Shanker Haikerwal, *Economic and Social Aspects of Crime in India* (London, 1934), p. 50.
5. *MPAR, 1877,* p. 1.
6. David Arnold, "Looting, Grain Riots and Government Policy in South India, 1918," *Past and Present* 84 (1979):111-145.
7. James C. Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven, 1976).
8. For a more detailed discussion, see my "Dacoity and Rural Crime in Madras, 1860-1940," *Journal of Peasant Studies* 6, 2 (1979): 145-149.
9. IG to Chief Secretary, Madras, 10 June 1865, MJP, no. 170, 24 July 1865, India Office Library, London. For an account of this phenomenon in Bengal, see McLane's chapter in this volume (ch. 1).
10. IG to Chief Secretary, 10 June 1865, MJP, no. 170, 24 July 1865.
11. *MPAR, 1874-1875,* p. 38.
12. Cf. E. J. Hobsbawm, *Bandits* (London, 1969).
13. David Arnold, "Rebellious Hillmen: The Gudem and Rampa Risings, 1839-1924," in *Subaltern Studies I: Writings on South Asian History and Society,* ed. Ranajit Guha (Delhi, 1982), pp. 88-142.
14. G(overnment) O(rder)s 2186-92, MJP, 8 September 1894; G.O. 819, MJP, 25 May 1898. For the causes and character of the Mappilla outbreaks, see Stephen F. Dale "The Mappilla Outbreaks: Ideology and Social Conflict in Nineteenth-Century Kerala," *Journal of Asian Studies* 35 (1975): 85-97; D.N. Dhanagare, "Agrarian Conflict, Religion and Politics: The Moplah Rebellions in Malabar in the Nineteenth and Early Twentieth Centuries," *Past and Present* 74 (1977): 112-141; Conrad Wood, "Peasant Revolt: An Interpretation of Moplah Violence in the Nineteenth and Twentieth Centuries," in *The Imperial Impact: Studies in the Economic History of Africa and India,* eds. Clive Dewey and A. G. Hopkins (London, 1978), pp. 132-151.
15. K. N. Krishnaswami Ayyar, *Madras District Gazetteers: Statistical Appendix for Malabar District* (Madras, 1933), p. liii.
16. *MPAR, 1914,* pp. 17, 83.
17. Edwardes, *Crime in India,* p. 18.
18. *MPAR, 1900,* p. 5; *MPAR, 1945,* p. 7.
19. *MPAR, 1905,* p. 7.
20. MJP, no. 15, 3 November 1876.
21. *MPAR, 1883,* pp. 131-132; *MPAR, 1894,* p. 28.
22. For the background to unrest in Thanjavur, see in particular Kathleen Gough, "Caste in a Tanjore Village," in *Aspects of Caste in South India, Ceylon and North-West Pakistan,* ed. E.R. Leach (Cambridge, 1960); Dagfinn Sivertsen, *When Caste Barriers Fall* (London, 1963); Andre Beteille, *Caste, Class, and Power: Changing Patterns of Stratification in a Tanjore Village* (Berkeley, 1965).
23. Cf. David H. Bayley, "Violent Public Protest in India, 1900-1960", *Indian Journal of Political Science* 24 (1963):317.
24. Cf. Richard C. Hula, "Calcutta: The Politics of Crime and Conflict, 1800 to the 1970s," in *The Politics of Crime and Conflict: A Comparative History of Four Cities* by Ted Robert Gurr, Peter N. Grabosky and Richard C. Hula (Beverly Hills, 1977), pp. 467-616.
25. Police Commissioners to Secretary, Home Department, Government of India, n.d., in *Papers Relating to the Reform of the Police in India, 1861* (Calcutta, 1861), p. 313; *Report of the Indian Police Commission, 1902-03* (Simla, 1903), pp. 37-38.
26. Commissioners to Secretary, Home Department, Government of India, n.d., in *Papers Relating to the Reform of the Police,* p. 313.

27. For eg., see *MPAR, 1902,* p. 3.
28. *MPAR, 1900, p. 3; Statement of the Police Committee on the Administration of the District Police in the Madras Presidency* (Madras, 1902), p. 4.
29. G.O. 1255, Judicial, 13 July 1907, Tamil Nadu Archives, Madras (TNA).
30. *MPAR, 1948,* p. 7.
31. David Arnold, "The Armed Police and Colonial Rule in South India, 1914-1947," *Modern Asian Studies* 11, 1 (1977):101-125.
32. *MPAR, 1948,* p. 28; *MPAR, 1946,* p. 5.
33. *MPAR, 1902,* p. 8.
34. Arnold, "Rebellious Hillmen."
35. G.O. 4030, Home, 24 July 1939, TNA.
36. J. C. Curry, *The Indian Police* (London, 1932), pp. 184, 222.
37. See Arnold, "Dacoity and Rural Crime," pp. 153-158; Stuart R. Blackburn, "The Kallars: A Tamil 'Criminal Tribe' Reconsidered," *South Asia* 1, 1 (1978):38-51.
38. MJP, no. 99, 31 January 1872; MJP, no. 116, 30 November 1874; MJP, no. 28, 8 February 1876.
39. C. S. Hearn, memorandum on "Tinnevelly Village Police," 1861, MJP, no. 97, 19 December 1870.
40. G.O. 1278, Public Works and Labor, 10 May 1928. *MPAR, 1945,* p. 13. See also the chapters by Yang and Gordon in this volume (chs. 5 and 6).
41. Arnold, "Dacoity and Rural Crime," pp. 149-153.
42. See Brian Stoddart, "The Unwanted Commission: National Agitation and Local Politics in Madras City, 1928," *South Asia* 5 (1975):63-66.
43. For additional details, see David Arnold, "Industrial Violence in Colonial India," *Comparative Studies in Society and History* 22, 2 (1980):234-235.
44. G.O. 275 A (S-1), Public (Police), 12 May 1930, TNA.
45. Cf. Bernard S. Cohn, "Notes on the History of the Study of Indian Society and Culture," in *Structure and Change in Indian Society,* eds. Milton Singer and Bernard S. Cohn (Chicago, 1968), p. 15.

Chapter 4

1. A small sector of the tribe did not participate in the ritual of human sacrifice. The minority of non-sacrificing clans are excluded from observations contained in this essay.
2. James Grant, "Political Survey of the Northern Circars," Appendix 13 in Great Britain, Parliament, *Sessional Papers* (Commons), 1812, vol. 7, "Fifth Report from the Select Committee on the Affairs of the East India Company," p. 622.
3. "A Statement of the Circar of Chicacole," 13 January 1766, Sundry Books: Military, Serial 33, pp. 17-19, Tamil Nadu Archives, Madras.
4. Samuel Charters MacPherson, "Lieutenant MacPherson's Report on the Konds," 21 June 1841, Board's Collection: 85, 228, p. 63, India Office Library, London, (IOL).
5. Perhaps the most notorious case of administrative corruption (1797-1800) involved the resident, Thomas Snodgrass, and his assistant and advisor, Jagannatha Rao. The latter was accused of embezzlement and the former of building with government money a "grand looking old house" at Rampha on the Chilka Lake. The corruption of Brahmin subordinates throughout the Northern Circars during this period is well documented. T. S. Maltby, *Ganjam Manual* (Madras, 1882), pp. 152-153; Robert E. Frykenberg, *Guntur District, 1788-1848* (Oxford, 1965), pp. 166-167.

6. Maltby, *Ganjam Manual*, p. 167.
7. George E. Russell, *Reports on the Disturbances in Purla Kimedy, Vizagapatam, and Goomsoor in 1832-36*, vol. 2 (Madras, 1856), p. 10.
8. Ibid., vol. 1, appendix, pp. i-v.
9. John Campbell, *A Personal Narrative of Thirteen Years Service Amongst the Wild Tribes of Khondistan* (London, 1864), p. 34.
10. Frederick G. Bailey, *Tribe, Caste and Nation* (Manchester, 1960), p. 16; Edgar Thurston, *Castes and Tribes of Southern India*, vol. 3 (Madras, 1909), p. 357.
11. Samuel Charters MacPherson, *Memorials of Service in India* (London, 1865), p. 67.
12. MacPherson, "Report," pp. 89-118.
13. See Edmund R. Leach, *Political Systems of Highland Burma* (1954; Boston, 1965), p. 6; Stephen A. Barnett, "Approaches to Changes in Caste Ideology in South India," in *Essays on South India*, ed. Burton Stein (Honolulu, 1975), pp. 149-180.
14. MacPherson, "Report on Konds," p. 123.
15. As is discussed in this chapter, the ritual signified more than a pragmatic response to demographic crisis. Comparatively, it is doubtful that Aztec cannibalism represented solely a politically advantageous remedy for a protein deficient diet. See Marvin Harris, *Cannibals and Kings* (New York, 1977), pp. xi, 110.
16. Samuel Charters MacPherson, "An Account of the Religion of the Konds in Orissa," *Journal of the Royal Asiatic Society* 13 (1852):244-245; Maltby, *Ganjam Manual*, pp. 247-248.
17. MacPherson to Bannerman, 12 April 1843, Board's Collection: 96, 448, p. 46, IOL.
18. Maltby, *Ganjam Manual*, pp. 16-17.
19. Lord Elphinstone, "Minute," January 8, 1841, Board's Collection: 85, 227, p. 65.
20. MacPherson to Anstruther, 25 April 1844, Board's Collection: 96, 448, p. 307, "History of the Rise and Progress of the Operations for the Suppression of Human Sacrifice in the Hill Tracts of Orissa," in *Selections from the Records of the Government of India (Home Department)* (Calcutta, 1854), pp. 135-136. See also below, table 2.
21. MacPherson, "Account of the Religion of the Khonds," pp. 346-350.
22. MacPherson to Bannerman, 12 April 1843, Board's Collection: 96, 448, p. 35.
23. MacPherson, "Account of the Religion of the Khonds," p. 248.
24. Paul Ricoeur, "Metaphor and Symbol," in *Interpretation Theory*, trans. David Pellaver (Fort Worth, 1976), p. 69.
25. Charles D. MacLean, *Manual of the Administration of the Madras Presidency in Illustration of the Records of Government and the Yearly Administrative Records*, vol. 3 (Madras, 1893), p. 72.
26. "History of the Rise and Progress," p. 8.
27. Court of Directors to Fort S. George, 21 November 1838, Board's Collection: 85, 227, pp. 16-17.
28. Richard Clarke, comp., *The Regulations of the Government of Fort St. George, in Force at the End of 1847; to Which are Added the Acts of the Government of India in Force in that Presidency* (London, 1848), pp. 611-612.
29. Each collector in the Madras Presidency had been given the power of district magistrate by Madras Regulation 9 of 1816. Ibid., p. 290.
30. Ibid., pp. 162-163.
31. Bannerman to Fort St. George, 6 February 1841, Board's Collection: 85, 227, p. 139.
32. MacPherson, "Report," pp. 337-345.
33. Clarke, *Regulations of Fort St. George*, pp. 742-743.

34. A result, perhaps of its author's dependence upon accounts recorded in autobiographical memoirs. See Frederick G. Bailey, *Strategems and Spoils* (Oxford, 1969), pp. 212-213.
35. MacPherson to Bannerman, 12 April 1843, Board's Collection: 96, 448, pp. 26-36.
36. Campbell, *Personal Narrative,* p. 108.
37. George Tweeddale, "Minute," 20 October 1843, Board's Collection: 96, 448, p. 100.
38. Campbell, *Personal Narrative,* p. 212.
39. MacPherson, for example, ascended the hills in December 1841, with seventy rank-and-file of the Twenty-Seventh Regiment of Native Infantry and a party of twenty Sappers and Miners. Further, he recomended that a semi-military police force be raised from among the Konds. In this he had Lord Elphinstone's full support. MacPherson to Bannerman, 10 December 1841, Board's Collection: 85, 228, p. 475; MacPherson to Fort St. George, 14 September 1841, Board's Collection: 85, 227, p. 416; Maddock to Chamier, 3 May 1841, Board's Collection: 85, 227, p. 314.
40. Russell, *Reports r Distu an es,* vol. 2, p. 60.
41. MacPherson, "Report," p. 353.
42. Campbell, *Personal Narrative,* p. 71.
43. Cadenhead to Smollet, 17 March 1845, Board's Collection: 99, 436, pp. 25-26.
44. MacPherson to Anstruther, 8 May 1844, Board's Collection: 96, 448, pp. 230-235; MacPherson to Anstruther, 13 March 1845, Board's Collection: 96, 448, p. 205; MacLean, *Manual of Madras,* p. 72; "History of the Rise and Progress," pp. 97-105; Maltby, *Ganjam Manual,* pp. 196-197; *Report on the Census of the Madras Presidency* (Madras, 1871), p. 41.
45. "To trade with civilized men is infintely more profitable than to govern savages." Thomas Babington Macaulay, "Speech of Macaulay in Charter Debate, 10 July 1883," in *The Works of Lord Macaulay,* ed. Lady Trevelyan, vol. 8 (London, 1897), p. 141.
46. Verrier Elwin, *Tribal Myths of Orissa* (Bombay, 1954), pp. 545-551; Thurston, *Castes and Tribes,* pp. 381-385; Barbara Boal, *Fire is Easy* (Bangalore, 1973), pp. 204, 211.
47. Elwin, *Tribal Myths of Orissa,* p. 547. See also Marshall Sahlins, *Historical Metaphors and Mythical Realities: Structure in the Early History of the Sandwich Islands Kingdom* (Ann Arbor, 1981), pp. 6-7, 72.

Chapter 5

1. W. Nembhard, Cssner., East Berar, to 1st Assistant Resident at Hyderabad, no. 941, 2 May 1870, in India, LD Proceedings, May-Dec. 1871, Nov., no. 62.
2. Testimony of D.N. Majumdar, Reader in Anthropology, Lucknow University, in United Provinces, *Report of the Criminal Tribes Enquiry Committee, United Provinces, 1947* (Allahabad, 1948), p. 53. See also Majumdar's *Races and Cultures of India* (Bombay, 1961), pp. 380-381.
3. The Constitution outlawed discrimination based on caste. See Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Bombay, 1972), ch. 3; Ratna G. Revankar, *The Indian Constitution--A Case Study of Backward Classes* (Rutherford, N.J., 1971). Also M.J. Sethna, *Society and the Criminal* (with special reference to the problems of crime and its prevention, the personality of the criminal,

prison reform and juvenile delinquency in India) (Bombay, 1952), for an Indian perspective on European theories of criminology.

4. The view of Stephen and other officials on criminal tribes is included in "Extract...(on) Criminal Tribes Bill," LD Proceedings, Nov. 1871, nos. 43-127.
5. Ibid., no. 126, "Act no. XXVII of 1871. An Act for the Registration of Criminal Tribes and Eunuchs."
6. George Weston Briggs, *The Doms and their Near Relations* (Mysore, 1953), p. 617; *U.P. Criminal Tribes Report,* p. 2.
7. LD Proceedings, Nov. 1871, no. 126.
8. LD Proceedings, Jan.-Mar. 1897, Feb., nos. 1-28, "Criminal Tribes Act, 1871, Amendment Act (II of 1897)."
9. LD Proceedings, Jan.-Mar. 1911, Mar., nos. 53-79, "Act III of 1911 (Criminal Tribes Act)."
10. *U.P. Criminal Tribes Report,* pp. 2-6; Briggs, *Doms,* p. 650. Following the repeal of the Act, an All-India Conference held in 1953, allocated Rs. 3,000,000 for the welfare of the former criminal tribes, who were henceforth to be called *Vimukht Jati* (liberated classes).
11. For a discussion of the literature which highlights the larger contexts of crime, see the introduction to this volume.
12. Jacques Pouchepadass, "Delinquance de Fonction et Normalisation Coloniale: Les 'Tribus Criminelles' dans l'Inde Britannique," in *Les Marginaux et Les Exclus dans L'Histoire* (Paris, 1979), pp. 122-154.
13. For a dissenting view, see Secty. to the Chief Cssner., Central Provinces, to Secty. to GOI, Home Dept., no. 1318/19, 25 May 1870; for the majority opinion, see Lieut. Col. G. Hutchinson, IG, Panjab, to Secty. Government of Panjab, no. 17, 1 Feb. 1868, and H.S. Cunningham, Government Advocate at Panjab to Secty. to Government of Panjab, no. 333, 18 Feb. 1868, in LD Proceedings, Nov. 1871, nos. 58, 67, and 67, respectively.
14. Leon Radzinowicz, *Ideology and Crime: A Study of Crime in Its Social and Historical Context* (New York, 1966), p. 38; Marvin E. Wolfgang, "Pioneers in Criminology: Cesare Lombroso (1835-1919)," *Journal of Criminal Law, Criminology, and Police Science* 52 (1961):360-391. For nineteenth century European views of crime and criminality, see J.J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (Middlesex, England, 1972), pp. 59-87, and his *Nineteenth Century Crime in England: Prevention and Punishment* (New York, 1972), Part I, "Contemporary views on the Causation of Crime;" Louis Chevalier, *Labouring Classes and Dangerous Classes in Paris during the First Half of the Nineteenth Century* (London, 1973).
15. R. S. Ellis, Chief Secty. to the Govt. of Fort Saint George to Secty. to the GOI, Home Dept., no. 1071, 10 Aug. 1870, LD Proceedings, Nov. 1871, no. 70. For additional information on the Habituals Criminal Act of 1869, see Sir James Fitzjames Stephen, *A History of the Criminal Law of England* (London, 1883), Vol. 8, p. 125; Luke Owen Pike, *A History of Crime in England* (Montclair, N.J., reprinted from 1873-76 edition, 1968), pp. 462-464. Also, Norval Morris, *The Habitual Criminal* (Cambridge, Mass., 1951), pp. 1-80, for the persistence of special laws against habitual criminals in the twentieth century.
16. Chevalier, *Dangerous Classes,* p. 144.
17. Ysabel Rennie, *The Search for Criminal Man: A Conceptual History of the Dangerous Offender* (Lexington, Mass., 1978), p. 39. The term "dangerous class" appears frequently in the debate over proposed legislation against criminal tribes. See, for example, F. O. Mayne, IG to Secty. to the Govt. of the NWP, no. 2303, 28 May 1867, LD Proceedings, Nov. 1871, no. 57.

18. Radzinowicz, *Ideology and Crime,* p. 38.
19. An excellent discussion of British views of Indian society is Bernard S. Cohn, "Notes on the History of the Study of Indian Society and Culture," in *Structure and Change in Indian Society,* eds. Milton Singer and Bernard S. Cohn (Chicago, 1968), pp. 15-16.
20. Cssner. Nembhard to Hyderabad, no. 941, 2 May 1870, LD Proceedings, Nov. 1871, no. 62. Throughout the discussion of criminal tribes, administrators made no distinction between 'tribe' and 'caste.' The former were apparently considered a part of the latter. See Cohn, "Notes on Indian Society," pp. 15-18. For recent anthropological definitions, see David G. Mandelbaum, *Society in India,* Volume II, *Change and Continuity* (Berkeley, 1970), ch. 31; F. G. Bailey, "'Tribe' and 'Caste' in India," *Contributions to Indian Sociology* 5 (1961):7-19.
21. Lieut.-Col. A. H. Paterson, Officiating IG, Lower Provinces, to Secty. to GOB, Judicial Dept., no. 2649, 20 May 1870, LD Proceedings, Nov. 1871, no. 69.
22. J. F. Stephen, "Extract . . . Criminal Tribes Bill," LD Proceedings, Nov. 1871, no. 78.
23. Paterson to GOB, no. 2649, 20 May 1870, LD Proceedings, Nov. 1871, no. 69.
24. The quote is from the journalist, Henry Mayhew, who wrote about crime in mid-nineteenth century London. He also stated that the "vagrants form one of the most restless, discontented, vicious, and dangerous elements of society ...These constitute...the main source from which the criminals are continually recruited and augmented." Cited in Tobias, *Crime in the Nineteenth Century,* p. 83.
25. Secty. to Secty. to GOI, no. 1318/19, 25 May 1870, LD Proceedings, Nov. 1871, no. 83.
26. Cited in "Memo. by--Sir D.T. Macleod," 23 July 1870, with T.H. Thornton, Secty. to the Govt., Panjab, to Secty. to GOI, Home, no. 1169, 17 Aug. 1870, LD Proceedings, Nov. 1871, no. 67. It is also interesting to note that the word "thug" referred to a specific type of robbery in the eighteenth century, before it was appropriated into the British vocabulary and equated with a group of ritual murderers. See Stewart N. Gordon, "Scarf and Sword: Thugs, Marauders, and State-formation in 18th Century Malwa," *Indian Economic and Social History Review* 4, 4(1969):408-409.
27. Secty. to Secty. to GOI, no. 1318/19, 25 May 1870, LD Proceedings, Nov. 1871, no. 58. Emphasis added. For an insightful discussion of law as a selective instrument of justice, see Douglas Hay, "Property, Authority and the Criminal Law," in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* by Hay, Peter Linebaugh, E.P. Thompson (London, 1975), pp. 17-63.
28. F.O. Mayne to NWP, no. 2303, 28 May 1867, NWP, Judicial (Criminal) Proceedings, 1867, Aug., no. 22.
29. Gordon, "Thugs," p. 429.
30. Wolfgang Weissleder, "Introduction: Notes on a Discussion," in *The Nomadic Alternative: Modes and Models of Interaction in the African-Asian Deserts and Steppes,* ed. Weissleder (The Hague, 1978), p. xvi.
31. Robert Gabriel Varady, "North Indian Banjaras: Their Evolution as Transporters," *South Asia,* n.s., 2 (1979):1-18; C. H. Childers, "Banjaras," in *Pastoralists and Nomads in South Asia,* eds. Lawrence Saadier Leshnick and Gunther-Dietz Sontheimer (Weisbaden, 1975), pp. 247-265. For a similar process of distortion by the British, see Stuart H. Blackburn, "The Kallars: A Tamil 'Criminal Tribe' Reconsidered," *South Asia,* n.s., 1, 1 (1978):38-51.
32. See, for example, David Jones's discussion of the "vagrant [who] was

a criminal because he was a vagrant." See his *Crime, Protest, Community and Police in Nineteenth-Century Britain,* (London, 1982), ch. 7, "The Vagrant and Crime in Victorian Britain."

33. C.P. Carmichael, IG to Officating Secty. to the Govt., NWP, no. 421A, 6 July 1870, L.D. Pro., Nov. 1871, no. 74. For similar views by recent studies, see Bhawani Shanker Bhargava, *The Criminal Tribes: A Socio-Economic Study of the Principal Criminal Tribes and Castes in Northern India* (Lucknow, 1949), pp. 120-135; Tobias, *Crime in the Nineteenth Century,* p. 64.
34. "Extract from Annual Police Report, by Captain Dennehy, Deputy Insptr. Genl. of Police, for 1868," with F.O. Mayne, Cssner. of 4th Divsn., to Officiating Secty. to NWP, no. 179, 2 July 1871, LD Proceedings, Nov. 1871, no. 73.
35. Cohn, "Notes on Indian Society," pp. 11-18.
36. John Roach, "James Fitzjames Stephen (1829-94)," *Journal of the Royal Asiatic Society of Great Britain and Ireland,* Parts 1 and 2 (1956): 12. Also Leslie Stephen, *Life of Sir James Fitzjames Stephen* (London, 1895).
37. Stephen, *History of Criminal Law,* III, p. 345. See also Thomas R. Metcalf, *The Aftermath of Revolt: India, 1857-1870* (Princeton, 1964), pp. 249-327; Eric Stokes, *The English Utilitarians and India* (Oxford, 1959), pp. 234-322, for a detailed discussion of the late nineteenth century official mind.
38. Stokes, *English Utilitarians,* p. 269.
39. Lloyd I. Rudolph and Susanne Hoeber Rudolph, *The Modernity of Tradition: Political Development in India* (Chicago, 1967), p. 162. For a study of a similar process, see L. Perry Curtis, Jr., *Apes and Angels: The Irishmen in Victorian Caricature* (Washington D.C., 1971). The relation between law, authority and British rule is also discussed in chapters 3 and 7 of this volume.
40. "Showing Nomenclature and Significance of Castes and Classes of criminal with a sketch of the chief crimes committed in the districts of the Lower Provinces of the Bengal Presidency," in Bengal, *Report on the Administration of the Jails of the Lower Provinces, Bengal, for 1868,* vol. II (Calcutta, 1869), Appendix I, x-xiii.
41. A detailed recent source is Briggs, *Doms* (Mysore, 1953). This author estimates a total Dom population of over 2 million in India (p. 119). According to the 1931 census there were over 260,000 Domes in Bihar and Orissa. See *Census of India, 1931*, Vol. VIII, *Bihar and Orissa,* Part I-- *Report* by W.G. Lacey (Patna, 1933), p. 283.
42. H.H. Risley, *The Tribes and Castes in Bengal,* Vol. III, *Ethnographic Data* (Calcutta, 1889), pp. 220-225; W. Crooke, *The Tribes and Castes of the North-Western India,* Vol. II (1906; Delhi, reprinted 1974), pp. 312-319; Briggs, *Doms,* pp. 1-38.
43. Briggs, *Doms,* p. 83; Crooke, *Tribes and Castes,* II, p. 318. The name Magahiya is also said to be connected to the Hindu word *mag* (Sanskrit: *marga)* meaning "a road," thus suggesting their "vagrant" nature. According to George Grierson, the gypsies of Europe may be descendants of Doms, see *Bihar and Orissa District Gazetteer, Saran* by L.S.S. O'Malley, revised edition by A.P. Middleton (Patna, 1930), p. 48.
44. R. T. Dundas, Officiating IG of Police to Chief Secty., B&O, no. M.-20-13/2795, 25 Apr. 1913, B&O Political Proceedings, July-Sept. 1913, July, Police, 22.
45. Crooke, *Tribes and Castes,* II, p. 319. Also see Briggs, *Doms,* pp. 38-76, for a good discussion of "Contemporary Beliefs about their Own Origin."
46. Sir Athelstane Baines, *Ethnography (Castes and Tribes)* (Strassburg, 1912), pp. 84-85. See also Briggs, *Doms,* pp. 77-117, which emphasizes

'how intermixed are the lines of caste and occupational influence in what is called 'The Dom Group.'"

47. Briggs, *Doms*, p. 147.
48. Francis Buchanan, *An Account of the Districts of Bihar and Patna in 1811-1812*, Vol. 1, (Patna, 1925), p. 351; and M. A. Sherring, *Hindu Tribes and Castes as Represented in Benares* (Calcutta, 1872), pp. 400-402.
49. R. P. Jenkins, Officiating Cssner. of Patna Division to GOB, 9 Jan. 1869, BJP, Police, Jan.-Mar. 1869, Jan., 88-89.
50. Memorandum from C. T. Metcalf, Officiating-Mgte. of Champaran, no. 98, 3 Jan. 1869, BJP, Jan. 1869, no. 72.
51. Lt.-Col. Raban, Deputy IG, Police, 3rd Circle to IG, 16 Feb. 1869, BJP, Mar. 1869, 96.
52. S. C. Bayley, Officiating Cssner. of Patna to GOB, 6 June 1873, BJP, July-Dec. 1873, July, 131.
53. C. A. Elliot, Secty. to NWP to GOB, 1295A, 19 Aug. 1873, BJP, Dec. 1873, 592.
54. A. Mackenzie, Jr., Secty. GOB to Secty. GOI, Foreign Dept., no. 3153, 11 July 1873, BJP, July 1873, 140.
55. C. T. Metcalf, Officiating Cssner. to Secty. GOB, no. 79J, 9 Mar. 1875; and GOB to GOI, 2 Apr. 1875, BJP, Apr. 1875, 353-354.
56. C. T. Metcalf, Officiating Cssner, to GOB, no. 143J, 26 Apr. 1875, BJP, 1876, Jan., 115. This description was widely quoted and became part of the standard portrait of the Magahiya Doms.
57. E. R. Henry to Cssner. of Patna, 21 June 1883, BJP, 1883, Sept., Police, 93-100
58. F. H. Barrow, Officiating Mgte. of Chumparun to Cssner. of Patna, no. 935, 30 June 1887, BJP, Aug.-Oct. 1887, Sept., 43.
59. Ibid.
60. B. Foley, Officiating Cssner. of Chota Nagpur to Govt. of B&O, B&O JP, May-Aug. 1917, 120. See also J.A. Hopkins, Officiating Cssner. of Patna to GOB, 22 June 1892, BJP, Jan.-Apr. 1893, Jan., 3.
61. Lieut.-Col. R. M. Skinner, District Superintendent of Police, Saran, to Mgte. of Saran, no. 3322, 24 Nov. 1883, BJP, 1884, May, Police, 176. In 1883 the district's 1,145 Magahiya Doms lived in 62 different villages.
62. "Minutes of the meeting on the Subject of Maghya Dome Settlement held at Muzaffarpur," 13 Nov. 1911, B&O Political Proceedings, Apr.-June 1913, Apr., Police, 3. This meeting was attended by local officials and a representative of the Salvation Army.
63. Skinner to Mgte. of Saran, no. 3322, 24 Nov. 1883, and F. B. Peacock, Secty. to GOB to Cssner. of Patna, no. 529J-D, 8 May 1884, BJP, May 1884, Police, 175-183.
64. J. A. Bourdillon, Officiating Cssner. of Patna Division, to Chief Secty., GOB, no. 493G, 26 Aug. 1896, BJP, Oct.-Dec. 1896, Dec., Police, no. 18.
65. Bourdillon, Saran Mgte., to Officiating Cssner., 13 June 1892, BJP, Jan.-Apr. 1893, Jan., Police, 3.
66. Ibid.
67. "Annual Report on the Dome Settlements in Saran for 1912," by H. U. Baker, Superintendent of Police, Saran, 17 Feb. 1913, B&O Political Proceedings, Apr.-June 1913, May, Police, 33.
68. F. R. Collier, Officiating Cssner. to GOB, 9 Sept. 1898, and GOB to Cssner. Collier, no. 1553J, 11 Mar. 1899, BJP, Jan.-Apr. 1899, Mar., 267-273.
69. Cited in B. Foley to Cssner. of Patna, 23 July 1912, and Notification by Chief Secty., GOB&O, no. 3257P, 9 Aug. 1913, B&O Political Proceedings, July-Sept. 1913, Sept., Police, 27.

70. On the history of the Salvation Army in India and the central role of Booth-Tucker, see F. Booth-Tucker, *Muktifauj, or, 40 Years with the Salvation Army in India and Ceylon* (London, n.d.); and F. A. Mackenzie, *Booth-Tucker: Sadhu and Saint* (London, 1930). For a more detailed account, see the Salvation Army's monthly publications, *All the World* and *The War Cry*. I am grateful to the Salvation Army's International Headquarters in London for permission to consult their library.
71. W. Bramwell Baird, "The Call of the Jackals: An Account of the Criminal Tribes of India and their Reclamation," typed manuscript, Dec. 1972, pp. 118-121. Booth-Tucker served in the United States between 1896 and 1904. Also, F. Booth Tucker, *Criminocurology or the Indian Crime, and What to do with Him* (Being a Review of the Work of the Salvation Army among the Criminal Tribes of India) (Simla, n.d.).
72. F. Booth-Tucker to Sir Charles Bayly, no. 1, 9 Mar. 1915, B&O Political Proceedings, July-Sept. 1915, July, Police, 1-2; Cssner. L. F. Morshead to Chief Secty., B&O, 31 Jan. 1913, B&O Political Proceedings, Apr.-June 913, Apr., Police, 30-31.
73. *Bihar an Orissa District Gazetteers, Champaran* by L. S. S. O'Malley, revised by R. E. Swanzy (Patna, 1938), p. 121; *Saran Gazetteer,* p. 119.
74. Cssner. Morshead to Chief Secty., B&O, no. 15, 14 June 1916, B&O Political Proceedings, July 1916, Police, 33. For accounts of other missionary efforts at reforming the Magahiya Doms, see Briggs, *Doms;* and C. Phillips Cape, *Prisoners Released: The Redemption of a Criminal Tribe* (London, 1924).
75. *Saran Gazetteer,* p. 119. See also Gordon's chapter (ch. 6) on the experience of the Bhils.

Chapter 6

1. The legislation on criminal tribes is discussed in Yang's chapter on "Dangerous Castes and Tribes," (ch. 5).
2. Political and Secret, vol 60, Consultations of 22 June 1825, India Office Library, London (IOL).
3. Briggs had often noted these earlier grants. See the discussions of Mupawa in Political and Secret, vol. 22, 12 June 1822, pp. 3224-3227.
4. *Poona Daftar,* Peshwa Khandesh Collection, *rumal* No. 236, a *jarma* (account) of Bhilpatti in Khandesh and its expenditure for patrols.
5. For details on this period, see my "Recovery from Adversity in Eighteenth-Century India: Re-thinking 'Villages,' 'Peasants,' and Politics in Pre-Modern Kingdoms," *Peasant Studies* 8, 4 (1979): 61-80.
6. Cited in Rustom D. Choksey, *Mountstuart Elphinstone: The Indian Years, 1796-1827* (Bombay, 1971), p. 224.
7. Political and Secret, vol 60, 22 June 1825, "Replies to Queries regarding the Bheels furnished to the Commissioners in January, 1822."
8. As this policy failed, it occupied much time when the Bombay Council sat in Political and Secret sessions. See, for example, Political and Secret, vol 51, 1 Dec. 1819; vol 62, 10 May 1820.
9. The first such treaty was in late 1819. Political and Secret, vol 51, 1 Dec. 1819, p. 6446; Political and Secret, 31 May 1820, p. 4666. See also the essays by Robinson and Brandstadter in this volume on the use of similar tactics by the British to pacify other 'hostile' groups (chs. 2 and 4).
10. "Replies to Queries, 1822."
11. Large numbers of prisoners were a continuing problem. It was expen-

sive to hold Bhils in prison and even more expensive to transport them. Often they were released or escaped. See, Political and Secret, vol 63, 16 Aug. 1820, pp. 6360-6363; vol 10, 29 Aug. 1821, pp. 5421-5422.

12. "Replies to Queries, 1822."
13. Ibid.
14. Captain Briggs, "Report on Candeish," quoted in full in A. H. A. Simcox, *A Memoir of the Khandesh Bhil Corps, 1825-1891* (Bombay, 1912).
15. J. J. Jusserand, *English Wayfaring Life in the Middle Ages,* 2nd ed., (London, 1920), pp. 141-145.
16. John Malcolm, "Essay on Bhils," *Transactions of the Royal Asiatic Society of Great Britain and Ireland* 1 (1827):89.
17. Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York, 1963), p. 33.
18. Malcolm, "Bhils," p. 65.
19. David Philips, *Crime and Criminality in Victorian England: The Black Country, 1835-1860* (London, 1977), p. 21. See also Yang, "Dangerous Castes" (ch. 5).
20. Quoted in F. J. Goldsmid, *James Outram: A Biography,* vol. 1 (London, 1880), p. 57. The Bombay government at this time seriously considered cutting or burning down the forest on whole hilly tracts. But they ultimately rejected the idea as expensive, difficult and likely to produce irreparable damage. They also considered free-fire zones, marked by boundaries and announced by proclamation. Political and Secret, 30 June 1824, vol. 47, p. 2913; vol. 49, pp. 3565-3566.
21. There were, however, precedents for this solution, though none of my sources mention it. The French began using Native Americans against other Native Americans as early as 1750, a practice the British adopted as they regularly used them as guides and troops prior to the American Revolution.
22. John Malcolm, *A Memoir of Central India* (London, 1832), p. 526.
23. Bombay Revenue, 8 October 1828, "Jamabundy Report #4," IOL.
24. T. B. Naik, "The Turbulent Bhils of Alirajpur," *Journal of the Anthropological Society of Bombay* 12, 2 (1966-67): 21.
25. J. Jain, "Religion and 'Crime' Among Bhil-meena of Rajasthan," *Wiener Volkerkunde Mittelungen,* 1971 N.F. 13: 61.

Chapter 7

1. William Henry Sleeman, *Ramaseeana, or a Vocabulary of the Peculiar Language used by the Thugs* (Calcutta, 1836), pp. 32-33.
2. Though this essay tries to provide the concluding remarks to the volume, the effort is "preliminary" in at least two important senses. First: because together these essays represent an initial effort in a new arena of research, this concluding essay can only summarize a field still new. Second: this essay has been written at the beginning of my own work on this topic. Thus the presentation here is necessarily preliminary and impressionistic, and the conclusions therefore tentative. I would like to thank Barbara and Tom Metcalf, David Gilmartin, Anand Yang and, especially Chris Bayly and David Arnold for helpful criticisms of an earlier draft.
3. This has generally been referred to in the literature as "moral authority." In order to avoid the appearance of a tautology, I have employed the (not entirely satisfactory) substitute of "influence."
4. For this discussion I have avoided the terminology used in the historiographical debate over the segmentary state. This is not

because I am unaware of it, but because I am trying to avoid using a vocabulary with implied meanings from either Indian or African historiography. The terms used here have no special meaning beyond their ordinary usage. For the debate, see Richard G. Fox, ed., *Realm and Region in Traditional India* (New Delhi, 1977).

I have avoided relating this discussion to the useful analysis by Bernard S. Cohn of "incorporation and rule," and the "theory of hierarchy," which must await further work on my part. For our purposes, the present discussion approaches the subject from the opposite point of view. While Cohn looks to the ritual results of imperial notions on authority, this essay is searching for the assumptions behind them, and those practical policies shaped by such assumptions. See Cohn, "Representing Authority in Victorian India," in *The Invention of Tradition,* eds. E.J. Hobsbawm and T.O. Ranger (Cambridge, 1983).

5. Satya Prakash Sangar, *Crime and Punishment in Moghul India* (Delhi, 1967), p. 41.
6. See E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (1971):76-136.
7. C. A. Bayly, *Rulers, Townsmen, and Bazaars: North Indian Society in the Age of British Expansion, 1770-1870* (Cambridge, 1983), ch. 1.
8. D. A. Washbrook, in discussing the relationship between Anglo-Indian law and land, has found a simliar periodization. See his "Law, State and Society in Colonial India," *Modern Asian Studies* 15 (1981): 649-721.
9. The Civil Code was adopted in 1859; the Criminal Code in 1860; the Code of Criminal Procedure in 1861; and the Police Act in 1861. David H. Bayly, *The Police and Political Development in India* (Princeton, 1969), pp. 44-45.
10. For a full discussion, see John Clive, *Macaulay: The Shaping of the Historian* (New York, 1973), chs. 11-14.
11. This treatment does not pretend to cover fully the impact of Utilitarianism on the legal and judicial systems of India. See Eric Stokes, *The English Utilitarians and India* (Oxford, 1959).
12. United Provinces, *Police Administration Report, 1865-66,* p. 46.
13. Clive, *Macaulay,* pp. 452-453.
14. Cited in Ibid., p. 456.
15. Ibid., p. 426.
16. Ibid., p. 320.
17. Richard C. Hula, "Calcutta: The Politics of Crime and Conflict, 1800 to the 1970s," in *The Politics of Crime and Conflict: A Comparative History of Four Cities,* Ted Robert Gurr, Peter N. Grabosky and Hula (Beverly Hills, 1977), pp. 465-61´.
18. See Anandswarup Gupta, *Crime and Police in India (Up to 1861)* (Agra,1974).
19. See, for instance, the preceding chapters on Konds (ch. 4) and the Criminal Tribes (chs. 5 and 6), for administrative calls to duplicate the thugi program.
20. See McLane's chapter in this volume (ch. 1).
21. Scholars now question the basic premises of the program. See Stewart N. Gordon, "Scarf and Sword: Thugs, Marauders, and State Formation in 18th Century Malwa," *Indian Economic and Social History* 4, 4(1969): 403-429. Moreover, it is likely that the disappearance of thugs may have been at least partly a matter of nomenclature, with thugs after 1840 relabeled as dacoits--just as dacoits after 1870 were frequently recast as criminal tribes.
22. India, Home Department, T & D Collection, 1850, B.2., no. 24. "Important Correspondence re: trials of dacoits," W. H. Sleeman (while

Resident at Lucknow) to J. G. Lumsden, Secretary, Government of Bombay, Judicial Department.

23. Sleeman, *Ramaseeana*, p. 54
24. Sleeman, *Report on the System of Megpunnaism . . .* (Serampore, 1839), p. 9.
25. W. H. Sleeman, *Report on Budhuks alias Bagree Dacoits, and other gang robbers by hereditary profession, and on the measures adopted by the Government of India for their suppression* (Calcutta, 1849), pp. 2-3.
26. Indian Police Collection, Mss. Eur. F. 161/3, nos. 72-76, India Office Library and Records, London (IOL).
27. Letter from L. W. Russsell, Ibid., Mss. Eur. F. 161/4, no. 5.
28. For a discussion of the reemergence of dacoits in time of scarcity, see Arnold's chapter in this volume (ch. 3).
29. Mss. Eur. F 161/3, no. 41.
30. See, for eg., Confidential Note by T & D Special Branch on the cow protection movement of 1893, India, Public and Judicial Papers, L/P&J/6/257, 1894, IOL.
31. See, for instance, United Provinces (U.P.), Home, Police Department, file no. 525 for 1926, "Special Dacoity Police Force" and file 283 of 1933, "Problem of Dacoity in U.P. Discussed in the Commissioners' Conference of 1933," UP State Archives.
32. W. H. Sleeman, *Report of the Depradations Committed by the Thug Gangs* (Calcutta, 1840), introduction, pp. iv-v.
33. U.P., *Report of the Police Administration of U.P., 1872,* pp. 39B-41B.
34. See proclamations of various gangs beginning in 1913. U.P. State Archives, Home Department, Police List no. 28. It should be noted, however, that the rationalization for expansion of the act was that this was actually a "more humane weapon" than the provisions of sections 109 and 110 of the Criminal Procedure Code, because it induced criminals to "reform their lives." See Bengal Police Proceedings, vol. 9147, Jan. 1913, p. 38, para 3.
35. *Report of Police Administration of U.P., 1872,* pp. 9-10.
36. Mss. Eur. F. 161/6, no. 8.
37. H. C. Mitchell, "The U.P. CID," Ibid., no. 8/10.
38. United Provinces, *Selections from the Venacular Press . . . 1907* (hereafter *SVN*).
39. U.P. State Archives, file no. 158-13/33 of 1914, "Notes and Orders."
40. Extract from letter by Sir Geo. Pearce, Mss. Eur. F 161/8, no. 8.
41. Report of the Indian Police Commission, 1905, Ibid.
42. This tactic became increasingly difficult to implement as the number and channels of those claiming leadership status proliferated in the twentieth century. See my "Religious Rites and Riots: From Community Identity to Communalism in U.P.," (Ph.D. diss., University of California--Berkeley, 1979), ch. 2.
43. Home Department, Judicial Proceedings, 3 Oct. 1860, nos. 34-38, "First Report to the Police Commission," para 12. Quoted in Gupta, *Crime and Police,* p. 381.
44. See Hula, "Politics of Crime and Conflict in Calcutta."
45. *Report of the Police Administration of U.P., 1865,* p. 85.
46. See Gupta, *Crime and Police,* especially ch. 19.
47. Sleeman, *Report on Budhuks,* p. 124.
48. *Report of Police Administration of U.P., 1865,* p. 85.
49. *SVN,* p. 93, *Oudh Akhbar* for March 17, 1903.
50. Hula, "Politics of Crime and Conflict in Calcutta."
51. Banjaras were orginally "carters." See Robert Gabriel Varady, "North Indian Banjaras: Their Evolution as Transporters," *South Asia,* n.s. 2 (1979): 1-18. See also Bayly, *Rulers, Townsmen, and Bazaars,* introduction and ch. 1.

52. The vocabulary is Bayly's. See his *Rulers, Townsmen, and Bazaars,* introduction.
53. See Robinson's chapter on "Bandits and Rebellion," ch. 2.
54. Sleeman, *Report on the Budhuks,* p. 89.
55. Pauline Rule, "Goonda Raj in Northern Calcutta, 1919-1923," forthcoming.

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